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ABSTRACT

This document contains the transcript and related written statements of a hearing held to discuss the safety standards and practices of study abroad programs. The tragedies that have occurred in recent years are not the norm in study abroad, but they focus attention on this rapidly growing and unstructured field. The report contains the opening statement of Subcommittee Chairman Pete Hoekstra and the statement by Congressman Tim Roemer, ranking minority member of the committee. Additional information on the topic is contained in the statements of these experts and stakeholders: (1) John G. Amato; (2) Peter McPherson; (3) David C. Larsen; (4) Brett Laquercia; (5) A. Lee Fritschler; and (6) Dianne M. Andruch. Ten appendixes contain the written statements of these witnesses and two statements submitted for the record from individuals who did not testify. (SLD)

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SAFETY IN STUDY ABROAD PROGRAMS

ED 463 679

HEARING

BEFORE THE

SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS

OF THE

COMMITTEE ON EDUCATION AND
THE WORKFORCE
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

HEARING HELD IN WASHINGTON, DC, OCTOBER 4, 2000

Serial No. 106–132

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SAFETY IN STUDY ABROAD PROGRAMS

October 4, 2000

U. S. House of Representatives

Subcommittee on Oversight and Investigations

Committee on Education and the Workforce

Washington, D.C.

The Subcommittee met, pursuant to call, at 10:30 a.m., in Room 2175, Rayburn House Office Building, Hon. Peter Hoekstra, Chairman of the Subcommittee, presiding.

Present: Representatives Hoekstra, Schaffer, Tancredo, Scott and Kind.

Staff Present: Peter Warren, Professional Staff Member; Christy Wolfe, Professional Staff Member; Krisann Pearce, Professional Staff Member; Whitney Rhoades, Staff Assistant; Patrick Lyden, Professional Staff Member; Mike Reynard, Deputy Press Secretary; Deborah Samantar, Office Manager; Marshall Grigsby, Minority Senior Legislative Associate/Education; Cheryl Johnson, Minority Counsel/Education and Oversight; and Brian Compagnone, Minority Staff Assistant/Labor.

Chairman Hoekstra. A quorum being present, we are here today for a hearing on **Safety in Study Abroad Programs**. Under 12(b), opening statements are limited to the Chairman and the Ranking Minority Member of the Subcommittee. If other Members have statements, they will be included in the record. With that, I ask unanimous consent for the hearing record to remain open for 14 days to allow Member statements, witness written statements and other material to be submitted for the record. Without objection, so ordered.

OPENING STATEMENT OF CHAIRMAN PETE HOEKSTRA, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS, COMMITTEE ON EDUCATION AND THE WORKFORCE

I want to thank everyone for being here today. We are here to learn about the safety standards and practices of study abroad programs. Mv attention was first drawn to this issue in a heightened way by a recent series of articles that ran in the Detroit News. It was headlined by a tragedy that occurred in March in which a pair of 19-year-old American women was shot to death outside a village in Costa Rica. They were part an unstructured program called Creative Co-Op in which one of the students was to photograph the Costa Rican culture. She was given no formal orientation and no local contacts and no assistance in locating housing. She had no in-country supervision, and her only communication with the college was a weekly e-mail. According to one study abroad professional the behavior of the school in this instance borders on the criminal.

This is not the only study abroad tragedy to occur in recent years. In 1998, two pickup trucks carrying bandits intercepted a group of students and teachers from St. Mary's College in Maryland. Five female students were raped. This is an area where there had been numerous reports of highway banditry.

Another tragedy we will hear about today occurred back in 1996, when four American students were killed when the bus they were riding in drove off the Grand Trunk Road in India. One of the students was the daughter of Mr. John Amato, who has traveled here to testify today. The students on that fateful bus ride were participating in the University of Pittsburgh Semester at Sea study abroad program. The bus trip was not a part of the preprinted itinerary, which called for a plane flight that had fallen through due to poor planning. Choosing from several possible options, group leaders elected to put the students on a 6-hour nighttime bus ride on a road called, "one of the most perilous in the world," by an experienced travel writer.

Such tragedies are far from the norm in study abroad, but they force us to focus our attention on a rapidly growing and unstructured field that lacks uniform standards for safety. More than 100,000 American students study abroad each year, and the total is increasing by about 10 percent annually. While Western Europe is still the leading destination for study abroad students, the proportion is shifting. For instance, since the academic year 1985/1986, the share of Americans studying in Europe has fallen by 15 percent while the proportion going to Latin America has more than doubled.

A Presidential Memorandum issued in March requires the Secretaries of State and Education to help increase the number of students which study and intern abroad, encouraging students to choose nontraditional study abroad locations. In June Education Secretary Richard Riley endorsed the goal of doubling student exchanges in the next 10 years.

What concerns me is that there may be a sizable gap between the best and the worst run study abroad programs. That gap is likely to increase if there is a headlong rush to expand student abroad activities by institutions that are not prepared to do so. I fear that they may be tempted to cut corners or to send students to potentially dangerous areas without taking the necessary precautions.

We will hear today from Peter McPherson, the president of Michigan State University, which sends more students abroad to study than any other university in America. The Michigan State program is called one of the safest and best run overseas programs by the Detroit News since it includes a number of safeguards, such as contracting with local experts in each country to hold orientation sessions with arriving students.

But the field lacks overarching safety standards. When study abroad professionals in 1998 drew up a set of common-sense guidelines for ensuring student safety, only a handful of colleges and universities would sign on to them. So while it is relatively easy to learn about the safeguards used by most responsible study abroad programs, it is more difficult to know what the lowest common denominator is, especially for newer, less established overseas programs.

We do know that students are sent into dangerous situations. The Detroit News reports that between 1996 and 1998, American colleges sent students to 16 countries that the State Department had warned Americans to avoid, and students were sent to 11 nations where the Peace Corps had withdrawn its members for safety reasons.

There were 221 American students in Colombia between 1996 and 1998. During that 2-year period, the State Department issued five travel warnings advising Americans to avoid the country due to rampant kidnapping of Americans and violence by drug cartels, guerrillas and paramilitary groups.

There are no comprehensive statistics on study abroad fatalities and injuries. It is clear that the vast majority of students who study abroad return home not only safe and healthy, but with a broader perspective on the world. Many students describe their overseas studies as the most rewarding aspect of their entire college experience. I think the university officials we hear from today will testify to the tremendous educational value of studying in a foreign land.

As a personal note, I am thankful that my children will have the opportunity to study overseas. Two of my kids have been overseas not in formal study programs, but in different programs within the last 2 to 3 years. As a parent I have been concerned about their safety, and even in the position that I am in have found it difficult to get the kind of information that would lead me to have a high degree of confidence in supporting the decision that we made in letting our children go overseas.

The hearing today is an attempt to draw more attention to the importance of safeguarding the lives and well being of those American students who elect to study overseas. I hope that as we move forward and get more information on this, we can develop a program or a framework that will give parents and students the confidence of knowing that the decisions that they are making are in the best interest of their students and the families. With that I will conclude my opening statement.

WRITTEN OPENING STATEMENT OF CHAIRMAN PETE HOEKSTRA, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS, COMMITTEE ON EDUCATION AND THE

WORKFORCE – SEE APPENDIX A

Chairman Hoekstra. Mr. Roemer.

Mr. Roemer. Thank you, Mr. Chairman. I ask unanimous consent that my entire statement be entered into the record.

Chairman Hoekstra. Without objection, so ordered.

Mr. Roemer. I also ask unanimous consent that a statement by Mr. Olver from Massachusetts be entered into the record.

Chairman Hoekstra. Without objection, so ordered.

WRITTEN STATEMENT OF CONGRESSMAN JOHN OLVER, 1ST DISTRICT OF MASSACHUSETTS, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C. – SEE APPENDIX B

STATEMENT OF RANKING MINORITY MEMBER TIM ROEMER, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS, COMMITTEE ON EDUCATION AND THE WORKFORCE

Mr. Roemer. I thank the Chairman and extend my heartfelt sympathies and prayers to the Schewe and Amato families regarding their daughters Sara and Virginia. Mr. Chairman, I join you in taking a very serious look at our study abroad programs. I look forward to hearing from our witnesses about what we might do to improve the oversight and the planning and the preventive activities of these programs overseas.

Study abroad programs are growing rapidly, and they are expanding to more and more destinations around the world. In fact, the number of Americans studying abroad increased from 76,000, 5 years ago to about 114,000 students going overseas in 1997 and 1998. Studying abroad can be a very important aspect of a student's college education. It can provide a global outlook that cannot be obtained from the textbooks.

As our global economy continues to expand, so will the number of students studying abroad. However, before we send students overseas, it is important for students and parents to know the risks and safety guidelines to ensure that they are safe while they are overseas.

As the number of students participating in education abroad programs continues to increase, and as the diversification of destinations continues to increase, the demand for safety in study abroad programs should also expand. With this heightened demand has been an equally important call for universities or study abroad programs to create safety and risk management programs. It is important that study abroad programs implement comprehensive safety plans to help protect students from accidents that might be preventable and to inform students and parents of the risks before tragedy strikes.

Safety and health guidelines for study abroad programs are as varied as the destinations involved. I was pleased to learn that industry wide safety standards have been developed by the National Association for Study Abroad; however, I hope that more study abroad programs might decide to adopt these safety standards. The Education Department offers safety tips for study abroad on its Web site. The State Department encourages universities to look at its consular sheets, which provide safety and crime information for every country. Travel warnings are then issued when countries are considered dangerous for Americans. These are all very good efforts, but are they enough to prevent tragedies like the tragedies that occurred on the Semester at Sea program in India, the Antioch program in Costa Rica, or the St. Mary's program in Guatemala? It is imperative that safety standards and precautions become as aggressive as universities are in promoting study abroad programs.

I look forward to hearing the testimony of today's witnesses and hearing your recommendations on making studying overseas safer, and I thank the Chairman for calling this hearing.

Chairman Hoekstra. Thank you.

Let me introduce the witnesses testifying on the first panel. We have Mr. John Amato who as a parent will testify from a family perspective as to the concerns we have for our children as we send them overseas. Thank you for being here.

We have Peter McPherson, the President of Michigan State University. Good morning. Welcome. Thank you for being here. President McPherson is one of those few people who calls and asks us if they can come and testify. He and I have had the opportunity to talk about the need for safety in overseas study programs.

Mr. Roemer. Mr. Chairman did him being from Michigan have any influence on whether or not it was okay to testify?

Chairman Hoekstra. I think it was the high demand of people asking to testify that made it a very easy selection. We are glad that you are here to talk about a very serious issue and thank you for coming.

We have Dr. David Larsen, who is the Vice President and Director of the Center for Education Abroad, Beaver College in Pennsylvania. Welcome. Thank you for being here.

Our next witness is Mr. Brett Laquercia, who is Director of Business Development, Security Services for Kroll, Inc. I believe you work with somebody that this Committee is familiar with; Mr. Cherkasky is that correct?

Mr. Laquercia. Yes.

Chairman Hoekstra. Send our regards to Mr. Cherkasky and tell him there is a new election coming up soon. If he wants to run another Teamsters election, they may have a job for him. It means, I am assuming, with that kind of an invitation, he will probably apply to Michigan State for an overseas study abroad program to get out of the country as quickly as possible.

Thank you all for the panel for being here. Mr. Amato, we will begin with you.

STATEMENT OF JOHN G. AMATO, LAWYER AND BUSINESSMAN, NEW ORLEANS, LOUISIANA

Mr. Amato. My name is John Amato. I am a lawyer and a businessman from New Orleans. However, today I appear before you as the father of a child who was killed while traveling on a study abroad program. I also speak for the parents of three young women, Jenna Druck, University of Colorado, Cherese Laulhere, University of California, and Sara Schewe, Georgetown University, who were killed with my daughter Virginia, a junior at the University of Texas in Austin. Sara's parents are here, as are some of her other relatives. We thank Chairman Hoekstra and the Members of the Subcommittee for giving us the opportunity to address this paramount issue.

Jenna, Cherese, Sara and Virginia were killed while enrolled in the University of Pittsburgh Semester at Sea program. This is one of the oldest, largest and most extensive study abroad programs sponsored by an American university. A semester abroad program encompasses an around-the-world voyage on a dedicated ship with stops in nine countries. Each semester the students number more than 600, coming from universities located all over the United States. These one-semester-trip students take regular classes on the ship and are required to participate in shore side field programs for 20 percent of their academic credit in each course. The program sponsor makes all arrangements for the 270-field programs offered each semester.

Our daughters were killed while on a 4-day field program in India on March 27, 1996. At 11 p.m., the chartered bus carrying the students overturned on the Grand Trunk Road between Delhi and Agra. Four students, two Indian tour guides and a program chaperone were killed. Three students were critically wounded.

The week before last when I was invited to address the Committee today, I was told that my oral testimony would be limited to 5 minutes, but that the written testimony could be as long as I needed it to be. Because the story that I am here to tell you cannot be covered in such a brief period of time, the written testimony is much more complete and includes several expert reports as well as correspondence to and from the University of Pittsburgh. I urge each of you to study this material, for it is a compelling story of how institutional arrogance, stupidity, complacency and a thorough lack of recognition of the awesome responsibility involved in student study abroad sponsorships in one of the most highly acclaimed and oldest study abroad programs cost our daughters their lives and wrecked our families.

It is a story of how our daughters were sold a plane ride between Varanasi and Agra and instead were put on a bus between Delhi and Agra at night, on a segment of road that is so treacherous that competent tour companies do not even use it, so treacherous that anyone we have spoken with is familiar with the road. Responsible institutions shouldn't act in so unconscionable a manner. The expert reports that were submitted with our written testimony that describe the conditions on the road seem almost unbelievable. One expert states the road is like a deadly video game in which obstacles and other vehicles come at you constantly. The same report says it is, in fact, difficult to find an Indian guidebook, which does not warn about the hazardous road conditions there.

What is also unbelievable is that the program sponsors assigned the task of physically organizing 600 students on 40 field programs in India not to one of the large, reputable, experienced tour groups in India, but to a newly created, uninsured two-person office in Connecticut, who then created a daisy chain of different substitutes in India to physically manage the process. What is more, Dr. Jill Wright, the sponsor's Director of Academic Development and Field Programs who made these decisions, indicated a year later in deposition that she would put the students in a bus on that road again.

A few weeks after our daughter's death, we sent the Chairman of the Board and the Chancellor of the University a request for the investigative reports on this accident. Included was a paper that we as parents had agreed to compose for a conference for university administrators of study abroad. The point I would like to note is that the primary author of that paper is my wife Virginia. You will find that it is a very gripping piece. It is in the package. She also was a primary author of the written report today.

Our requests for a report remain unanswered today. We were naive when we sent our statement and letters to the university. We fully expected the Chancellor and the Chairman of the Board of the University to be as concerned as we were that the facts be brought to light so that whatever went wrong could be corrected before additional tragedies occurred. Instead we learned the University's primary concern was litigation defense. They clearly wanted us to go away.

We did not go away. We persisted searching for answers as to how this could have happened and how it could have been prevented. We hired Kroll Associates, who you will hear from later, to investigate. We sent a representative to India, who hired agents in India to investigate and gather information. What we learned from all of this is that our daughters died because Ph.D.s with no expertise in life safety and no common sense were making life-or-death decisions for our daughters.

This is a systemic problem based upon the tragedies in study abroad programs with which we have become familiar since our own. We have every reason to believe the problem is prevalent in the study abroad industry. To state the obvious, the task of assuring safety is far more difficult in a study abroad program than on a domestic campus. To state the obvious, at the end of the day the university sponsors of study abroad programs have assumed the responsibility for the lives of the enormous number of bright, eager young people who have been transported to totally unfamiliar places and exposed to totally unfamiliar risks. To state the obvious, these children and their parents have placed their trust in the university sponsor to return the children home safely at the end of the study abroad program.

The problem with the study abroad system is that the conduct of many university sponsors indicates that they have failed to realize these obvious facts. I believe the only way to fix the problem is for the heads of universities and their trustees to insist that no university-sponsored program or any aspect of it is to be permitted unless it is safe. This means that systems are in place to ensure the entire structure and implementation of the study abroad program as designed, and overseen by true safety experts with safety as the major concern.

We believe in the value of study abroad. We do not wish to diminish the impact of such global learning; however, the first priority of study abroad programs must be the safety of each and every student. The institution sponsors of these endeavors have assumed a heightened obligation and responsibility. That obligation with respect to safety must govern the entire structure and operation of the organization, and all arrangements for travel, housing site selection, and personnel or they ought not be in the business. Listen to some of these places they took people on the other studies abroad and without supervision. I don't understand it. Our daughters would be alive today if the principles I have just enunciated had been followed, and so would the children of a number of other parents who grieve as we do.

These necessary changes can evolve eventually after enough students die needlessly. What can happen now is if a court awards a very substantial monetary judgment, or if a significant insurance policy is required of the sponsors so that you have the people taking the financial risk vetting the programs, or if legislation is passed to establish Federal protection for our children. Congress has passed a number of statutes to protect shareholders, seamen, railroad workers and many others, and in many of these cases, it is based upon the fact that there is a special control, the seamen, railroad worker, the heightened responsibility that comes with it.

The children in study abroad programs have clearly been placed in the Federal arena. You know our situation is very simple. Almost all the students, on the Semester at Sea program came from everywhere else but the University of Pittsburgh, and had never been on the campus. They enrolled for one semester. They are being brought from all over the world. They are buying these trips. The India package was bought on the high seas. The ship they are on is a Panamanian vessel controlled by the Tung interests of Hong Kong.

In any event, I think this is in the Federal arena. I think that this Committee has the power to get involved and hopefully result in a fix, which will save other parents the tragic losses that we endured. Thank you.

WRITTEN STATEMENT OF JOHN G. AMATO, LAWYER AND BUSINESSMAN, NEW ORLEANS, LA – SEE APPENDIX C

Chairman Hoekstra. Thank you. Thank you very much for that testimony.

President McPherson.

STATEMENT OF PETER McPHERSON, PRESIDENT, MICHIGAN STATE UNIVERSITY, EAST LANSING, MICHIGAN

Mr. McPherson. Thank you. It is good to be here. Mr. Amato I certainly hear and appreciate the tragic story of your daughter, and I think this hearing to discuss these issues can be helpful.

I come by this experience as the President of Michigan State and involvement in international programs. I left Michigan State in the 1960s and spent 2 years in the Peace Corps in Peru, and then during the 1980s ran the U.S. foreign aid program for 6-1/2 years and traveled extensively in developing countries all over the world during that period of time. I thought a great deal about the security of my foreign aid staff and of course security matters and issues when I was a Peace Corps volunteer.

I came to Michigan State believing intensely, passionately, really, that undergraduates at Michigan State and schools around the country should have an international exposure. To go off and work the rest of one's life in the 21st century without a deeper sense of the global, it seems to me, is just lacking an educational experience that State universities like ours and other universities around the country should provide. So study abroad has been one of the areas that I have particularly emphasized at Michigan State.

We have gone from about 800 students to 1,750 students who went abroad last year, and as such we are now the largest study abroad program in a university in the country. I guess we are probably one-half percent or so of all the students that go abroad. We now have 152 programs in 52 countries. We continue to have many students in Europe, but we are now in many places around the world, and I think that is important.

As we have increased the size of the program, we were conscious of being very certain that the academic quality continued to be high and that the security and safety of these students was of utmost concern. Now, as we have thought through this, we know that it is not possible to always protect all people from all dangers. This is true in our country, and it is true abroad. The fact that you can't give total protection anyplace in the world against all contingencies doesn't mean you shouldn't take every reasonable step, however, to protect students from injuries, from crime, those sorts of things.

Well, how have we done that? We have done something that I think is unique of any school. If there are others, I don't know of them. We set up these programs as a decentralized structure where the department here or department there has responsibility for running these programs, but there is certain oversight on some of these matters. For example, and I would recommend it, we have a committee headed by a vice president with extensive international experience that makes the final judgment as to whether a program can be in a country or has to be pulled out of a country. The chair of that committee and most of those members has no line responsibility whatsoever for programs. We have segregated the program responsibility from these security judgments.

Also, there is daily information from the State Department bulletins. There is other information, very sophisticated. We, in fact, have polled other countries, and moved programs within countries. This has been an effective means to segregate the responsibility of program from the principal security issue of should you be there or not.

In addition every student studying abroad has to have medical insurance. In countries where there is not really strong medical care available, there are MEDEVAC facilities available for students to use. And very importantly, we have insisted on a cultural and other orientation before students go and then right after they get there. Countries provide different challenges. You mentioned Costa Rica and so on. There are different questions and a thorough briefing, and working these over is certainly an important part of making sure a program works.

Over the last 5 years we have had 7,800 students go abroad. And we have had no serious injuries or accidents, except one student who fell, resulting in a fractured foot. There has been nothing serious in those areas. We are very proud of that. We, of course, knock on wood because that could change. There could be something that comes up. But we are taking the steps to minimize that possibility. The standards we are following are those, which would certainly fit within the national standard that has been broadly agreed upon. It appears that the universities are generally following these standards.

We feel intensely about the health and security of our students. As I get e-mails or letters from parents of students day after day and deal with those, I feel some real personal responsibility for students in a way that, frankly, is coming from the business world and government. I didn't really understand how directly I would feel that, and I think that is generally the case of university administrators.

What should we do from here? One contribution we hope to make is we are planning a national conference at Michigan State's campus next fall where we are going to do a review. My guess is we will get people from all over the country, and we will focus very seriously on quality, cost and security measures. I think that will help drive the general awareness of what should be done. It may well be appropriate for the Department of Education or some other Federal body to gather information about what is really occurring on the safety measures. My guess is that report will be helpful and generally reassuring.

Mr. Chairman, it is good to be here this morning, and I welcome any questions at the appropriate time.

WRITTEN STATEMENT OF PETER McPHERSON, PRESIDENT, MICHIGAN STATE UNIVERSITY, EAST LANSING, MI
SEE APPENDIX D

Chairman Hoekstra. Thank you. Dr. Larsen.

STATEMENT OF DAVID C. LARSEN, Ph.D., VICE PRESIDENT, DIRECTOR OF THE CENTER FOR EDUCATION ABROAD, BEAVER COLLEGE, GLENSIDE, PENNSYLVANIA

Mr. Larsen. Thank you, Mr. Chairman, Members. Thank you for affording me this opportunity to appear before you today on the topic of safety and study abroad. This is a topic of critical interest to my professional colleagues and me in the field of international education. By focusing attention on this issue, this Subcommittee helps us to draw attention to areas where all parties involved in international education can work jointly to reduce risks. This hearing also presents a welcome opportunity to highlight what study abroad practitioners throughout the United States are currently doing to assure the safety of program participants and to address the issue of safety in study abroad.

I am here today representing myself. I am a Vice President of Beaver College in Glenside, Pennsylvania, where I also direct the Center for Education Abroad. Beaver College is a leading campus-based provider of study abroad with 63 program sites in 8 countries. We enrolled approximately 2,000 students this year from over 300 different colleges and universities. Beaver College began the study abroad programs in 1948. I have 30 years of professional experience in the field of international education, including 2 years of university teaching, 6 years overseas, 10 years executive director of the bi-national Fulbright Foundation in Greece, 4 years as a unit head at the Institute for International Education in New York, and service as director of the Center of Education in the University of Tennessee in Knoxville before moving to Beaver College in 1988.

I also appear here on behalf of my professional colleagues in two capacities. I am Chair of the Health and Safety Subcommittee for the professional student study abroad section of NAFSA, Association of International Educators. This is the largest professional association of international educators in the United States, with more than 8,600 members on college and university campuses nationwide. That is a membership that includes study abroad professionals on U.S. campuses as well as a number of so-called third-party study abroad providers, organizations that assist students and campuses with providing study abroad opportunities that are not otherwise available at a particular institution. The subcommittee chair is charged with providing professional practice information and guidance on health and safety issues to our colleagues in study abroad.

I am also a member of the Inter-organizational Task Force on Safety and Responsibility in Study Abroad, a nearly 5-year-old effort to craft a professional code for the study abroad community. The task force's principal achievement to date is the development and dissemination of a set of guidelines to address health and safety issues in our field. I will speak a bit more about these guideline later in these remarks.

While there are many goals for study abroad in this country, my professional colleagues and I share three key objectives: To maximize opportunities for U.S. students to study abroad on bona fide programs, to increase the number of American students who take advantage of these opportunities, and to minimize the risks involved with study abroad.

I believe any discussion about safety and study abroad must first look at why we are undertaking this activity in U.S. higher education. Because President McPherson has already touched on this topic, and because our time together is limited, I request that I be permitted to submit for the record a summary of those reasons separately. Thank you.

I would like to describe for you now what we at the Beaver College Center for Education do and how we inform participants and their parents about the need for all of us to work together to look after the welfare and well being of our students while they are in our programs. Beaver College employs full-time professional staff who plan and implement programs and who work with our students in every country in which they study. Our overseas staff are responsible for site selection; for making program arrangements; for explaining our expectations to overseas providers; for arranging for housing, and, as applicable, program-related excursions; providing orientation programs which involve every student we send overseas; and for providing a safety net for students throughout their stay. Our overseas staff establishes and maintains contact with local authorities and is prepared to respond appropriately to any eventuality.

Our overseas orientations include information delivered both orally and in writing about local laws, safety precaution, dangerous practices, and areas to avoid. They include specific information about the use of alcohol and other drugs, and explain the penalties concerned with abuse. Information about how to be careful, as well as toll-free numbers to use to contact staff in case of emergencies is also provided. I would like to request permission to submit for the record a copy of Living in Britain, a Beaver College orientation guide that illustrates this point.

One point I would make is that you won't find a section on safety in this orientation guide. That information is too valuable to put in one place where it can be skipped over. It is woven into the fabric of the guide throughout the text, and you will find it coming up in a variety of contexts as you look at this material that students are presented with when they arrive overseas.

All students on Beaver programs are covered throughout their overseas program by health and accident insurance, which we provide. Our students and their families receive program orientation materials, which include general health and safety information. This material is also available on the World Wide Web at `www.Beaver.edu/predeparture`.

Other program models may handle orientation somewhat differently. For example, programs which include groups of students from a single institution traveling together to overseas sites organized by that institution are usually able to provide face-to-face preprogram orientation on the home campus before departure as well as an on-site orientations when they arrive, as President McPherson has described.

The goal for all of us practitioners is to make everyone involved aware of his or her individual responsibilities, to equip them to make good decisions, and to inform them about how to obtain assistance whenever it is required. Included in the Center for Education's abroad pre-departure materials is a link to the guideline on health and safety. As I said earlier, these guidelines are intended to help students, parents and study abroad practitioners recognize their individual responsibilities regarding study abroad. They have come from the mutually recognized need to articulate a set of guidelines for study abroad. A copy of these guidelines is included in the material I wish to submit for the record. And the guidelines themselves are available to the public on NAFSA's Web site at www.NAFSA.org/safetyabroad/guidelines1298.

It is important to note what these guidelines can and cannot do. As the preparatory remarks to the guidelines note, they aspire, not regulate. They were fundamentally voluntarily, and they reflect an effort to influence planning and professional behavior in a way that fosters best practices.

I believe to a very large extent these guidelines are well known among my colleagues, and that reasonable efforts at following them are being made throughout the study abroad community, but these guidelines and other available options, regulation and control of study abroad can never guarantee absolute safety while on a program. Seeking such a guarantee would be illusory and would ignore the reality that study abroad programs sending U.S. institutions and receiving foreign communities are not the only parties that have a responsibility for reasonable efforts at safety. External forces, unanticipated events, emergencies, accidents and the results of their own imprudent behavior continue to be facts of life for students overseas and for their program provider, just as they are on home campus.

With almost every educational venture, the efforts by students and their parents to plan and to prepare themselves for all aspects of the experience play a major role in determining the eventual success of study abroad participation for any individual.

As I see it, the biggest task now confronting the study abroad community is to carry word of this shared responsibility to strive to implement best practice standards to our colleagues in the profession and, through them, to our students and their parents. In that regard I think we have been quite aggressive during the more than 2 years since the guidelines were published.

NAFSA, our principal professional organization, has presented full-day workshops on health and safety issues in each of its national conferences. Indeed, the first of these workshops were actually developed before the guidelines were finalized. In addition, there have been many sections covering various aspects of this broad topic each year at NAFSA's 11 annual regional conferences. These conferences are widely attended by international educational professionals, including study abroad practitioners. Sister organizations of educators, such as AIEA, the Association of Internationality Educational Administrators; NASPA, the National Association of Student Personnel Administrators; and CIEE, the Council on International Educational Exchange have also held similar sessions at their conferences. I have been personally involved in many of these sessions and continue to be involved in their development and refinement.

In addition to these workshops and sessions, NAFSA has published general information on the topic. For your record, I request I be permitted to submit as an example the NAFSA newsletter article on Safety in Study Abroad from March 1998 when this was distributed to NAFSA's membership nationally.

During the summer of 1999 and again in 2000, a small but highly qualified group of NAFSA's and others met for a retreat at my institution, Beaver College, to carry forward the work of developing and updating training materials on the topic of safety and study abroad. Practitioners consult with their colleagues on such issues. Many also consult the manual Managing Liability and Overseas Programs, by Ken M. Weeks, published by College Legal Information.

Another important resource for practitioners in our field is the Safety Clearinghouse. This is a Web-based information source funded by FIPSE, the Foundation for the Improvement of Post Secondary Education of the Department of Education, which is based at the University of Southern California Center for Global Education.

We clearly have more work to do. In addition to the ongoing refinements in professional training and increased advocacy for best practices among our colleagues, we are addressing a set of challenges related to disclosure regarding safety and study abroad. Revisions to the Higher Education Act related to crime reporting clearly affect some of our study abroad programs in terms of reporting specific incidents involving students on our overseas programs. We have opened a dialogue with the Department of Education on this topic, which we expect will result in an agreement about how to identify and to report that information most accurately and effectively. Provisions of the Higher Education Act are not crafted with the study abroad specifically in mind, so clarification of several matters is going to be necessary to enable the production of data that is useful and mindful to learn.

I believe we must also arrive at a community consensus about what other times of information might best be made available to students and their parents to enable them to assess what risks they face, to understand how best to address those risks, and to decide whether those risks appear to be reasonable. My study abroad colleagues have begun this set of conversations. They flow from an ongoing discussion about standards and accreditations that is not exclusive to safety issues, but clearly includes them. I won't speculate on where that conversation will lead us, but I believe its clear intent is to provide clear information about study abroad participants that informs them about a range of matters, including academic quality and safety alike.

My purpose today has been twofold: First, to thank this Subcommittee for its assistance in bringing to the public thoughtful awareness of the issues of safety and study abroad; secondly, to inform the Subcommittee about the ongoing efforts by study abroad practitioners to make overseas educational experiences available to American students, and to keep American students at least as safe as possible. Thank you for this opportunity. I will be happy to answer any questions.

WRITTEN STATEMENT OF DAVID C. LARSEN, Ph.D., VICE PRESIDENT, DIRECTOR OF THE CENTER FOR EDUCATION ABROAD, BEAVER COLLEGE, GLENSIDE, PA – SEE APPENDIX E

Chairman Hoekstra. Thank you.

Brett. I got the name right the first time. I am not going to test my luck.

STATEMENT OF BRETT LAQUERCIA, DIRECTOR, BUSINESS DEVELOPMENT, SECURITY SERVICES, KROLL RISK CONSULTING SERVICES, INC., NEW YORK, NY

Mr. Laquercia. You are safe with the first time, too.

My name is Brett Laquercia. I am Director of Business Development for the Security Services division of Kroll Risk Consulting Services. I would like to thank you, Chairman Hoekstra and the Members of the Subcommittee, for inviting me to testify at today's hearing. I also have a more detailed written testimony and request that it be entered into the record. In trying to keep this brief to 5 minutes, there is so much that I only touch upon, and if we have a chance to discuss this a little further, I would welcome that opportunity.

My purpose here today is to outline the risks for which academic study abroad programs must be prepared, to describe my impressions of the academic community's safety and security preparedness for study abroad programs, and to outline the measures academia can take to reduce the level of risk to which it exposes its students in study abroad programs.

To begin I would like to describe the qualifications to be present on this panel of my firm and myself. Since 1972, Kroll has been serving businesses, governments, and nonprofits in combating fraud, gathering information on potential partners and adversaries, and protecting their interests from physical security and nonphysical threats against their interests.

Kroll advises organizations on security and designs travel safety and security programs, policies and procedures especially for corporations. With 50 offices on 6 continents, Kroll is the largest firm of its kind and conducts more than 50 percent of its work outside the borders of the United States. In the 8 years I have been an employee of Kroll, I have advised hundreds of major corporations and some universities on how they can mitigate the risks faced by their employees and students traveling on business or study abroad programs. I have advised on the safety and security of individual and group travel as well as corporate employee relocations abroad, and have given symposiums on this topic to the American Society for Industrial Security, the National Business Travel Association, and the Employee Relocation Council, among others.

What are the risks that study abroad programs ought to anticipate and be prepared to mitigate and respond to? Simply stated, these risks include natural disasters, unsafe road and rail transit, terrorist acts, petty crime, carjacking, kidnapping, rape, homicide, civil unrest, coups d'etat, extortion, official corruption, health hazards, and other threatening or disruptive situations.

Based on personal experience with my firm and its corporate and university clients, it is my opinion in the aggregate the academic community is relatively less prepared to confront the risks faced by its students abroad than is the corporate community and its business travelers respectively. A specific common problem that universities have shared with me during consultation is a credibility gap that arises when group leaders on the ground and in country call in to the school administration for advice from decision makers when some adverse incident strikes or is threatening. The group leaders on the ground complain that the school decision makers are less informed than they are and so are not in a position to direct them on appropriate courses of action. Administrators on campus, the reality is, are left too often to simply search the Internet or the State Department's information service. And while the State Department's information service offers a valuable perspective, it is but a single perspective and is very often not specific enough to meet the needs and sometimes not current enough to meet the needs that are required at the moment.

In a moment of crisis, decision makers should have access to information that is relatively tailored to their needs, easy to navigate, and that garners current applicable results which they can immediately put to work. Additionally, they should be able to contact analysts who are compiling these reports so that the analyst can clarify the information that is outlining current events and give advice based on their knowledge of the events.

What resources are available to universities, and how can these mitigate risk and save lives? Let me just say initially that I am intimately familiar with most of these services, because my firm offers most of these services or works very closely with companies that offer the ones that we don't. Most of the experience is based on the corporate community's use of these types of services to mitigate the risks in advance and be prepare to respond. First, of the services that are available, importantly time should be set aside for a safe travel seminar for the group and this should be done by a qualified security consultant. Additionally, a security-consulting firm should review the prospective itinerary and make recommendations with regard to "go" versus "no-go" locales, and specific precautions to be taken in different areas.

Immediate results will also be gained by accessing an appropriate subscription information service, a proprietary service. Political risk assessments provide daily updates as well as in-depth country analyses on current conditions and forces shaping daily events. Universities would be able to more intelligently assess their choices of study abroad host countries from a security standpoint by accessing information on political and social conditions, the likelihood of peaceful or violent near-term change, crime trends and whether foreigners, students or Americans in particular, have been targeted. Additionally, information will be available on terrorist activity and the coincidence of significant local anniversaries, which may result in unrest, or adverse activity with the planned dates of the programs. This information will also help campus decision makers in the ongoing monitoring of safety and security conditions in country once the group is at their destination.

And an additional planning tool and critical handout to each traveler is a city-specific travel advisory. These provide brief, but valuable information on airports, such as scams, alerts, restrictions and requirement, latest local news and a city calendar, local dos and don'ts, and tips for safe travel within and between cities, and alerts to scams and how to recognize them early and get away before it is too late. These should also include health warnings and emergency contact numbers for embassies, consulates, police, ambulance and direct dial codes to reach U.S. operators.

The next measure ought to be contracting for an emergency hotline. This would be monitored 24 hours a day by trained crisis management personnel. All students and group leaders would have the wallet card with the number they could call in the event of an emergency. Depending on the urgency of the matter, the call would trigger a report, and the operator would gather critical information, take a report and immediately contact one of the school's 24-hour designees. This would trigger crisis management measures and save precious hours and, in some cases, days, ensuring consistency in crisis response procedures and the use of all of the resources in place.

Finally, tying all of this together is a crisis management plan. The plan is used as a rough road map for the crisis team, which is assembled during the creation of the plan. The plan should lay the groundwork for evacuation as well as responding to kidnapping, serious illness, and loss of life. The crisis plan and team will benefit from periodic updates and exercises or tabletop crisis simulations, which instruct on what can go wrong and how a plan may facilitate a resolution, but may not anticipate certain complications. The benefit is that the crisis team emerges from these exercises better equipped to react quickly and efficiently to a real emergency after having lived through a simulation.

Some additional considerations are conducting proper background checks and due diligence on local in country contacts, travel agencies and partners. Contracting with a MEDEVAC organization and I am just going to depart for a moment and say in the SAS program, I did read that some students who were seeking medical attention went to three different hospitals before they found one that they felt was up to standards. Contracting with a MEDEVAC organization will certainly help because these often manage a case from afar by phone and are certainly prepared to provide air ambulance services. But also the previously mentioned information service often provides names and addresses and phone numbers of health care facilities in locations where they are difficult to find.

Finally, it is important to consider kidnap, ransom and extortion insurance. All of these components work together to open a security umbrella over the group and improve readiness and preparedness to respond quickly, which in many cases will avert disaster and in many more will speed recovery. But implementing even a single one of these will make a difference. Thank you.

WRITTEN STATEMENT OF BRETT LAQUERCIA, DIRECTOR, BUSINESS DEVELOPMENT, SECURITY SERVICES, KROLL RISK CONSULTING SERVICES, INC., NEW YORK, NY – SEE APPENDIX F

Chairman Hoekstra. Thank you.

By unanimous consent, a number of witnesses have referenced other documents that they would like submitted for the record. Without objection, so ordered. Thank you.

Mr. Amato, the real question, at least at this point is, when your daughter went overseas did you feel you were well informed? Or did you feel that you had sufficient information to make the types of decisions based on an understanding of the risk that your daughter might be in? Are some of things that have been talked about today, things that you would have wished would have been in place in 1996?

Mr. Amato. If you could bear with me a little bit on making a circle rather than directly answering.

Chairman Hoekstra. Absolutely.

Mr. Amato. The one thing that I wish I had known was that so many people with a special kind of IQ on the academic side of the university houses people with a deficiency in common sense. If I had known that the academic side of the university was making decisions that were life and death determinative, where to go, who to select to supervise, what bus company, what road, which hotel, on down this whole list of the actual travel side, then of course I would never have sent my daughter on the trip.

Had I known in advance that there were accidents or events that had occurred that had cost children their lives on prior trips, I don't believe it would have made a difference; if you had a suicide, somebody trying to do something crazy, somebody climbing off on their own, a drug event. No, I think it was the fact that having been in business for a long time and flying the banner of a university that has one of the most well-known programs out there, and having checked with students and parents who had been on prior Semester at Sea programs, that we did the kind of due diligence that a normal parent would do.

The real world of the programs is that the allure is extraordinary. One of the things in my written testimony is that having watched the video and having read the promotional literature, we all wanted to go. We were envious of Virginia, who had finished junior year, and wanted to enroll in this program. That is the reality side of it. The very simple, practical problem is not understanding. We felt comfortable with the fact that the program appeared controlled, and we cautioned our daughter not to wander but stay on the organized programs within the individual cities. They are not going to write down that they have dumb Ph.D.s making the decisions or that they are completely cavalier about the fun or the allure.

For the university side of this, the prestige is enormous. My good friend, the President, sitting next to me is very proud of his University having all of these incredible programs scattered all over the world. Prestige is great. There is a lot of money in it. There truly is. The lure is fantastic. You have and everybody you talk to have children participate. However, the whole time parents cross their fingers and pray.

The problem is that we didn't understand that they had people who didn't know how to make good decisions making decisions. And the question is how you fix that.

Chairman Hoekstra. Peter, at Michigan State, at least according to your testimony, you have separated the decision-making by the academics from safety.

Mr. McPherson. Well, let me just cover a quick point first.

That is that 60 percent of our programs on a cost-per-cost credit don't cost any more than being on campus. And, frankly, this has been a program that we have struggled to break even on as we have driven these costs up. I think it is a real mistake to believe that these are huge moneymakers. They are certainly not for Michigan State. I don't know about Beaver and others.

The drive here is to do this because we in academia intensely feel it is a real mistake for students not to have a global experience. We need to be a country that is much more engaged internationally throughout, and the fastest, best way to get this done is to have our students study abroad, or at least an important part of it.

Now, what we have done at Michigan State, and I think it is a model that can be used in a lot of places, is we have separated some of these key decisions from the program managers. It is like anything else: If you are in charge of a program, it may not always be easy to be detached to make some decisions. I don't think, with due respect to my colleague on the right, that that is because academics are impractical people. They are a varying group like everybody else. I know for a fact that I have many professors and academic leaders that just have very good common sense. So I need to put that in there.

Our committee separately makes key decisions. Should the program be in a country or should it be pulled out? They review the location within the country, they review housing, they review travel arrangements. They look at program activity, and frequently we make changes. The committee does recommend changes or direct changes. It is a good model. I believe we can learn from each other, and this might be helpful to other universities.

Chairman Hoekstra. Thank you. I have a whole series of questions I would like to ask regarding the role of Federal involvement versus voluntary guidelines and those types of things, but my red light has come on.

We've had the lights and bells indicate that we need to vote. We have two votes. I will yield to Mr. Roemer, then we will break for about 15 to 20 minutes so we can go vote.

Mr. Roemer. Thank you, Mr. Chairman. Mr. Olver from Massachusetts has joined us, and I entered his statement in the record at the beginning of the hearing.

After hearing your story, Mr. Amato, with four children of my own, I, too, want to extend my heartfelt sympathy to you and the Schewe family. I can't imagine the grief that you have gone through.

I am a supporter of these overseas programs, Mr. McPherson. You said you had how many students overseas over the last 5 years?

Mr. McPherson. We've had seven thousand eight hundred.

Mr. Roemer. How many injuries or deaths have you had during that period of time?

Mr. McPherson. We have had no serious injuries or crimes upon these students.

Mr. Roemer. Have you ever had to cancel a program overseas for a variety of reasons?

Mr. McPherson. Yes. Yes.

Mr. Roemer. What reasons were those?

Mr. McPherson. Security concerns.

Mr. Roemer. What type of security concerns?

Mr. McPherson. We canceled our program to Zimbabwe, for example, a year or so ago as the political situation changed.

Mr. Roemer. What kind of decision-making goes into the cancellation of a program like that? Who advises you, the people on the ground in country, the State Department, the Department of Education, Kroll; who gives you input?

Mr. McPherson. Really all of those do. There is a daily check of the State Department information, and that is helpful. On campus in our case there are some experts, and we have contacts, relationships in Zimbabwe that we were able to rely upon.

Mr. Roemer. When did you cancel that program?

Mr. McPherson. Oh, I have forgotten. We cancelled about a year ago.

Mr. Roemer. Had you had any scares leading up to the cancellation?

Mr. McPherson. No, we just cancelled.

Mr. Roemer. You canceled because you saw the political situation on the ground deteriorating and becoming dangerous?

Mr. McPherson. That has been our usual pattern. We have a system in place to monitor these things. I was a banker for several years before I came to Michigan State, and we had a credit risk committee that had the same system. The people that were on the credit risk committee weren't giving the loans, and I thought that check and balance worked well. It is the same theory really.

Mr. Roemer. Do you use any of the guidelines developed by Dr. Larsen and his advisory committees?

Mr. McPherson. We are part of those committees, and basically we have found those helpful in every way, to my knowledge.

Mr. Roemer. Do you have a program?

Mr. McPherson. We are in those guidelines.

Mr. Roemer. Do you have a program currently in the Middle East in Israel?

Mr. McPherson. Yes, we do.

Mr. Roemer. Have you done something with respect to what has happened over there with the Palestinians?

Mr. McPherson. Yes. We have watched it carefully.

Mr. Roemer. Have you evacuated, or what did you do in that situation?

Mr. McPherson. We make sure our students aren't anywhere near the situation.

Mr. Roemer. Do they go through a special briefing program?

Mr. McPherson. Absolutely.

Mr. Roemer. I am not a lawyer, this is not a court of law, and I don't want to conduct a case here. Dr. Larsen, in Mr. Amato's case does it seem to be a decision made with respect to last-minute travel arrangements? We are not talking about the broad philosophy of supporting study abroad programs; we are talking about a specific case. Was a last-minute decision made to change travel plans?

Mr. Larsen. I am not familiar with the details of the case.

Mr. Roemer. Are you familiar with the University of Pittsburgh's study abroad program or the reputation for safety or accidents?

Mr. Larsen. Yes, in general I am.

Mr. Roemer. How do you grade their guidelines and their safety programs?

Mr. Larsen. Are you talking about the Semester at Sea program?

Mr. Roemer. I am.

Mr. Larsen. The material that Semester at Sea has shared with me over the last 3 or 4 years about safety precautions that need to be taken both before and during an overseas experience are, quite honestly, exemplary. They have excellent material available.

Mr. Roemer. So you believe that this emphasis that you have put on best practice standards and so forth have not only been adopted by many of these schools, but practiced and implemented by these schools?

Mr. Larsen. Our effort at the present time is to share information about the guidelines, to provide instruction on how they can be implemented, and to urge their adoption and their implementation. Whether it is formal adoption, or signing off on a document is immaterial to me. What is important to me is that people are aware of and are following the guidelines that we have tried to provide.

Mr. Roemer. Do you visit these overseas programs on the ground, or do you serve in an advisory capacity of promulgating the guidelines the best way possible?

Mr. Larsen. My job is to take care of Beaver College's overseas programs, and I do visit those. We are very careful within our own program. So these are the ones I control. The rest of what I do as a professional in the field is voluntary, and it is educational, which means it involves helping people understand what they ought to be doing.

Mr. Roemer. Mr. Chairman, I have a lot more questions, but I know we have to go vote.

Chairman Hoekstra. We will recess and reconvene as soon as we take care of the business of two votes. Committee will be in recess.

[Recess.]

Chairman Hoekstra. The Subcommittee will come to order. I have just a couple of more questions.

Dr. Larsen, you talked about the voluntary guidelines that have been developed. Is it correct, President McPherson or Dr. Larsen that Michigan State took part in developing that standard, but you have not signed on or adopted it yet? Is that correct?

Mr. McPherson. I gather that we have been part of developing them. I believe that before I became President they were developed. We haven't formally signed on to guidelines but clearly our program is at or above the standards. We basically have followed them. Such a voluntary, widely accepted procedure seems to be an appropriate way to do this.

Chairman Hoekstra. Mr. Roemer and I were talking about voluntary guidelines as we went over for the vote. Is there a role for the Federal Government to get involved in this? I think Mr. Amato said that there might be. Mr. Larsen, you are suggesting voluntary standards. Would anybody or all of you care to comment on what the Federal role might be?

Mr. Larsen. I have been trying to think of what a Federal role might be in this effort. As I said at the beginning of my remarks, I think the role that this hearing is playing in heightening awareness of the concerns around the country is important. I think it is important that the heads of educational institutions throughout the United States understand what President McPherson does about the importance of study abroad and the critical nature of looking after health and safety concerns.

I honestly feel that the need now is for education and heightening awareness rather than for legislation.

Chairman Hoekstra. Mr. McPherson, Mr. Amato, do either one of you have a comment?

Mr. McPherson. The study abroad programs are an area, which are rapidly expanding; there is a huge amount of innovation that is going on. We are doing this program somewhat differently than many other schools have because I have looked at figuring out how to reduce the cost while maintaining the quality. I think there is lots of innovation that is going to happen in the years ahead. I would agree with your statement on the question of Federal Government regulation on things. I think you want to be very careful about what you want to do. I believe that this is such an important thing for this country we better do it right. We will have 500,000 students studying abroad in 10 years, maybe more. I would like to have a large segment of those be Michigan State students. So how do we assure reasonable standards and safety?

Well, I doubt whether Federal Government regulation could, but I think one of the first things that you might do is a careful study by the Department of Education as to what is actually occurring. The Assistant Secretary will be testifying here shortly. He happens to be a man who is deeply interested in this particular program. This would, in fact, seem to me to be a reasonable step, and we would certainly want to cooperate in such a venture.

Chairman Hoekstra. Mr. Amato.

Mr. Amato. I don't believe that the Congress would be able to pass a statute that included the sort of detailed regulation that would solve the problem. I am not saying that it couldn't be helpful. I really believe that the liability issue is the direction that has the most opportunity.

Let me talk about a few small things. Which law applies to an accident in Guatemala, or an event somewhere else in the world? What level of insurance does the program sponsor carry? Is there a punitive damage recovery potential when we are talking about the life of a child who has no dependents and who hasn't begun a career that may have resulted in being a wonderfully successful contributor to society?

You need to avoid the road kill comparisons of "we are going to lose some" about all of this. They are far too valuable to us for that. I think if you end up with a court saying to one of these program sponsors, yeah, you really blew it, and that is going to cost you $25 million or some big number, then what happens is the universities, the boards and the chairmen say, wait a minute, time out. Let's us understand every single thing about what we do, because we can't afford to get socked like that. We can't be in this business if we can't even ensure it.

I don't know what the situation is with Michigan State. They may feel as if they have immunity as a State institution. I don't have a clue about that at all. But I suggest to you that a Federal statute that said, if a bad thing happens you go to Federal court, and you have a Federal standard of liability, and you collect punitive damages. Whether you want to embellish it with a requirement for insurance or not, basically you think of this as sovereign immunity and all that. However, insure it and get Lloyds or AIG to put the experts inside your program and vet it and weed out the things that you shouldn't do. Or let them have a direct involvement in deciding what is the moment in time that you should pull them out of Zimbabwe, or should you never have put them there in the first place. Should you have used this bus company? Should you have used this tour company? Are you going to bid it and see who is the cheapest to provide transportation from one spot to another rather than saying who is the best provider?

People who put their children in these programs are for the most part upper-middle-income families. They are families that are the richest people in America. They are people who would be putting their kids in private institutions if they wanted, or their children have come from private institutions. Don't tell me that you put my child on a road between Delhi and Agra on a bus! The right way to do it would have been to overnight in Delhi and take the train in the morning, which might have cost a few bucks more per person. That may well be one of the reasons why our daughters died. When you look at these things, it is not how cheaply they can be done. It is how safely they can be done, and it costs a little more to hire a control, it costs more to have advisors, and it costs more to send people first who know what the hell they are doing. It costs more to have a vetting process within all this. All of that just gets spread. If it is too damn expensive, then you can't sponsor that program, you can't go to that place, and you can't do that thing.

I think that is the easiest way to get to it, to be honest with you. The professional study abroad programs will wear out the issue of what precise guidelines ought to be involved. I think it is a wonderful, necessary part of life, but if you want to get this thing fixed, make them liable in a big way. They will fix it because their boards of trustees will insist on it.

Mr. McPherson. I am anxious to respond to this. First of all, at Michigan State we feel intensely that the safety of the student is a critical factor. My impression from the administrators and presidents I talk to is they feel the same. I can't tell you the number of letters I get from parents about this or that issue, and whether you like it or not, if you are the president of the university or the head of international studies programs, you end up feeling like a group of people. The students and the parents are looking to you to really do something. And safety is important.

Secondly, Mr. Amato, what is happening in study abroad in this country isn't like when you and I were students. When we saw a sign up there that advertised go study in Spain it cost three times the tuition spent now. That is what it was like when I was an undergraduate student. What places like Michigan State and some others are doing are trying to have this be much broader; just not the upper-middle-class or middle-class students. It is the average student in terms of socioeconomic background that Michigan State is going to send abroad, and that is what we need to do.

Now, as to liability, I am a lawyer. I have run big businesses. I am telling you if you aren't careful, the best way to prevent anybody from ever going to Africa or about two-thirds of Africa, or a whole section of Latin America, is to figure out how to potentially have a university liable for $25 million. They will say, London and Paris is great and we will forget about Mexico City. I mean this is the way that it would ultimately work.

Michigan State under State law is liable for gross negligence. Most other schools in most States have some degree of negligence liability. Many of these parents, I don't know about your situation, have sued, and I don't know the state of those litigations, of course. But we have got to be sure that we keep our focus on safety, and we understand this isn't something we want to kill.

Mr. Laquercia. Could I make a comment? In general, I want to caution that we have an exemplary program here. The Michigan State program sounds like it is really taking a lot of the precautions that a school should be taking. I think a question is what is the norm out there? Is Michigan State representative of these programs across the country, or is it an outlier, if you will, on the right side of the statistic? To try and get a sense of that what is the general nature and what are the outliers on the other end of that statistic?

One example that I would remark upon is the Guatemala incident that you referred to and St. Mary's College. In an interview after the incident, the president of St.

Mary's College said, when we receive the police report we will also know more about whether or not this was a very isolated event or part of a trend. I think it is unacceptable that a school wouldn't know before sending students whether something like this is part of a trend or not. The fact is that a civil war ended in Guatemala not too long ago, and you have a lot of demilitarized people that have now become civilians, and they now have guns. Several years ago it was pretty common knowledge that the population was highly armed and now unemployed because they were former military, and crime was on the rise. But is St. Mary's an outlier here, or are they among the norm?

Maybe one of the suggestions or solutions might be to come up with something of a study abroad program standards board, similar to broker/dealer standards boards and bar associations, where you might be able to check on the credentials of a program or see if there have been complaints logged against it via a Web site or 800 number. When students come back and tell their parents horror stories, that information will be put up on the site, and future potential clients can review that information easily.

Chairman Hoekstra. Mr. Roemer.

Mr. Roemer. I just have two questions.

Dr. Larsen, what is the major cause of injury or death in overseas programs?

Mr. Larsen. I think the major cause of student injury/death in overseas programs is traffic accidents. At least the data that I have seen covering the last 10 years would indicate that would be true.

Mr. Roemer. And what is second or third cause? Do you have any kind of listing, or an enumeration of what contributes to these problems?

Mr. Larsen. I honestly don't have that data, and data collection is something that we as a profession are trying to address. In my experience in the programs that we run around the world, the students who have been injured, and thank God we have had no deaths during my tenure at Beaver, have by and large been the victims of poor judgment on their own part, either in conjunction with operating an automobile or in conjunction with over consumption of alcohol.

Mr. Roemer. So in breaking those kinds of statistics down, in enumerating that as the number one cause of injury and death, you would also say that a majority of those deaths or injuries are due to the student and a problem or a mistake that the student makes?

Mr. Larsen. That has been our experience, yes.

Mr. Roemer. How about the tragic incidents that happened to the Schewe and Amato families? How often is the service you have subcontracted or contracted out for an airplane or a bus or transportation the result of death; not a student renting a car and having consumed too much alcohol causing their own injury or death, but a contracted second or third party?

Mr. Larsen. None of the transportation parties with whom we have contracted in the last 10 or 12 years have been involved in any kind of accident when our students have been with them.

Mr. Roemer. Do you spend a lot of time and careful attention to the detail of whom you pick and whom you select overseas? Is it an accident that you have such a good rate of preventing injury?

Mr. Larsen. My staff and I do spend a great deal of time looking at people and vetting the people that we hire, yes. We make every effort to be careful.

Mr. Roemer. Mr. McPherson, this is the last question.

Hypothetically let's say a tragedy happens to the Michigan State University swim team, and in the middle of the winter a bus skids on ice and causes some kind of catastrophic harm to the student athletes, and it turns out that there was something wrong with the bus or the bus driver and there is egregious fault. Are you liable in that kind of instance?

Mr. McPherson. In Michigan a public university is liable for gross negligence.

Mr. Roemer. What would happen hypothetically if the university contracted out to somebody overseas, a bus or an airplane, and it happened that there was something that malfunctioned in the bus, and it was very obviously the fault of that third party? Is the State University liable in that kind of instance?

Mr. McPherson. Well, you have the question of jurisdiction in which the accident occurred. But given the rise in the number of cases that are being brought, when an incident occurs in one country, and the defendant is from another, I would be quite confident that a plaintiff would probably sue Michigan University for gross negligence if the case for gross negligence can be made. I know of no circumstance like that where an action in a foreign jurisdiction gave rise to an action in Michigan, but I am certain that argument would be made.

Mr. Roemer. Thank you.

I would like to thank this panel for being here and enlightening us, and helping us gain some information. We will dismiss this panel, and we will go to our next panel. Thank you very much for being here.

Chairman Hoekstra. Let me introduce the second panel. We have Dr. Lee Fritschler, who is the Assistant Secretary, Office of Postsecondary Education, U.S. Department of Education. Welcome, Dr. Fritschler.

And finally, we have Ms. Dianne Andruch, who believes that her name might be of Dutch ancestry, so I know we have a great second panel here. Ms. Andruch is Managing Director for Overseas Citizens Services, Bureau of Consular Affairs, U.S. Department of State. Welcome and thank you for being here.

We will begin with you, Dr. Fritschler.

STATEMENT OF DR. A. LEE FRITSCHLER, ASSISTANT SECRETARY, OFFICE OF POSTSECONDARY EDUCATION, U.S. DEPARTMENT OF EDUCATION, WASHINGTON, D.C.

Dr. Fritschler. Thank you very much, Mr. Chairman. I welcome the opportunity for this discussion.

We are talking about two very important interrelated points. One is the question in my mind of how we get even more students to study abroad in the future. Mr. McPherson indicated that the number who does study abroad will probably grow to 500,000 in the next 5 or 10 years, and I think he is correct on that. But the parallel problem, or the parallel challenge, is to make sure these students study safely abroad, that we do not lose any students, and that they have, in fact, the best possible positive experience.

Let me start by adding a personal note. I was a college president for 12 years, and the worst nightmare I have ever had was when I had to call parents to inform them that their daughters or sons were killed, seriously injured, or would not be coming home. They had been involved in an accident either on campus or off campus or overseas. Those were dreadful, dreadful moments for me personally, of course, but for everyone involved.

I actually did have to contact parents whose son was killed on one of our overseas programs in Bologna, Italy in an auto accident, and I remember it was Easter Sunday morning. That is something I will never forget and I will never celebrate another Easter without remembering that tragic death of this wonderful young man from Massachusetts.

So as a teacher, a president, a father, and now even a grandfather, I am very aware of how awful it is to lose a student, to lose a son or a daughter, but especially, frankly, to lose one who is in the course of serious study somewhere in the world.

I have a prepared statement, which I have submitted for the record. I would like to add a few points to it, if I might, and I will go through my points quite quickly.

President Clinton's April 19th Memorandum on International Study was mentioned. This is a joint effort between the Department of Education and the Department of State. It implores us to work together and with other agencies to increase the number of students who study abroad, among many other things in international education. And it does provide the opportunity for us to work together on questions of study-abroad safety.

This is not a particular point mentioned in that memorandum, but I can see very clearly how we can move ahead with other departments around the government to use our data more effectively, to use our bully pulpit more effectively, and to use the dissemination of best practices more effectively to cover the problems that we have with students studying abroad.

I would like to add one additional point to the data that has been talked about here. We do have about 114,000 students now who study abroad. But only 10,000 of those students study abroad for a semester or more. That particular figure strikes me as very low, a real problem for education in the United States; we need to get it up.

We have 15 million people enrolled in colleges and universities, in the United States today. That number will probably go to 20 million in the next 5 or so years, and to think that we have only 10,000 abroad is really too few. We need to find ways to get that number improved. And, of course, we are working on it. But that simply underscores the challenge we have in making sure that those students study abroad safely.

The Department's primary role in study abroad programs is to administer the student financial assistance programs that enable students to pursue their studies in the United States and in other countries. Most Federal student financial assistance available to students under Title IV of the Higher Education Act is portable to study abroad programs. The international education grant programs that the Department administers under Title VI of the act, such as the Fulbright-Hayes grant programs, are intended to improve postsecondary teaching and research concerning other cultures and languages, the training of specialists and to improve the American public's general understanding of the peoples of other countries.

Under the provisions of the Higher Education Act, the Department has no authority at the moment to regulate or prescribe security policies and procedures employed by colleges and universities either at home or abroad. Nonetheless, the concern for the safety of American study abroad has led to the funding and support of S-A-F-E-T-I, which stands for Safety Abroad First Educational Travel Information; a bit of a stretch to make that come out SAFETI, but the point is clear. This is a clearinghouse project supported by FIPSE. It was started about 3 years ago. It is housed at the University of Southern California in Los Angeles.

Their mission under this program is to develop and disseminate resources to support study abroad program development and implementation, especially emphasizing issues of health and safety. And they are using a World Wide Web clearinghouse format; I have in my prepared remarks the address for them. They are making available to colleges and universities across the country the kinds of standards, which you heard about in the last session, and they are working to improve those standards and to get colleges and universities to adopt them.

They have on the Web, incidentally, a questionnaire for returning students, which asks about the safety and the level of safety they thought they experienced while traveling abroad. So far, only the schools, which are participating in this program, use that particular questionnaire and as far as I know, only one school has completed a cycle using that particular questionnaire. But it would be a useful questionnaire to be used by other schools, which send students abroad; and it too is available on the SAFETI Web site.

The Department also provides information and links to information that prepares students for safe and academically fulfilling experiences in other parts of the world. The Department's Network for Education Information Web site provides general guidance to students and educators on study abroad programs and contains links to foreign diplomatic and consular services and country-specific information provided by the State Department.

The Department's Campus Security Web site is also linked to the Department of State's travel warnings and consular information sheets for students studying abroad.

So let me make this as clear as I can: There are three huge sets of information on the Web now, relating to this issue and we have linked them together. A student who is interested in attending a college or university in the United States can tap into our COOL Web site, College Opportunity On-Line. That has on it information on every college and university in this country, their programs, all sorts of data, size of the institution, cost, application procedures, study abroad opportunities and so on. The COOL Web site is also linked, or soon will be, to our Web site where we have all of our reports from campuses on campus crime. And the third link in that Web site is the SAFETI Web site on study abroad. So a student can go in, look at the school they are interested in applying to, look at the crime statistics, look at what kinds of things they are doing abroad, and understand what sorts of programs that school subscribes to in terms of safety for study abroad.

The Department of State has other programs, which my colleague will mention in just a moment. I just wanted to tie into this conversation one other thing that we are doing. It is a more limited source of information on student safety abroad, but the campus crime statistics that institutions are now preparing and reporting to us over the Web under the amendments to the Higher Education Act are now coming in.

We have so far heard from something like 1,600 of the 6,500 institutions, which will be reporting. The deadline is October 17th for those reports. We are putting the reports up on the Web as they come in; so you can look today and find 1,600 of these campus reports, but by October 17th, we hope you will see all 6,600 of them.

There is only limited information, however, in those reports on study abroad. And the only way, as I understand it that we would have study abroad data there, safety and security data for study abroad, is if in fact a university or a college runs an overseas campus as a separate campus and they would have to report on campus crime at that location in the same way that they would do anywhere here in this country. I know that is a very difficult process for them, but it is at least a way of getting at some of the data.

Let me close by saying that I was privileged to be president of an institution, which sent about half of its students abroad every year for study. And most of those students stayed for a full year, some for a semester. The school was deeply committed to international education. Over the years, I was able to observe the professionals on college campuses all over this country who run these programs, and I certainly had a very close look at the professionals on our campus that ran those programs. I can tell you that safety is a matter of the utmost concern for them. And, of course, it is their greatest worry.

There are all sorts of guidebooks, all sorts of standards out there. Most schools subscribe to them and apply them. We, as a matter of fact, went so far as to have at each one of our sites a detailed evacuation plan, even, by the way, in the most benign countries. Our students studying in France, for example, were told at the beginning of the semester exactly where they should reconnoiter should anything happen in terms of rioting or the horrible things that can happen in France. And they would go to this place out in the countryside, and then we had arrangements with airlines to take them out of the country. We closed down a program one summer in Moscow because we were worried about the lack of safety for students there. And, as a matter of fact, we closed down a program altogether, permanently, in Colombia when it became clear that we could not provide for student safety in that country.

So schools do look at this very carefully, I think. There is no reason they cannot do more. I think they probably should. But I simply wanted to say from my own personal experience that safety of students at home and abroad is a major concern for people in higher education.

Thank you.

WRITTEN STATEMENT OF DR. A. LEE FRITSCHLER, ASSISTANT SECRETARY, OFFICE OF POSTSECONDARY EDUCATION, U.S. DEPARTMENT OF EDUCATION, WASHINGTON, D.C.
SEE APPENDIX G

Chairman Hoekstra. Thank you. Ms. Andruch.

STATEMENT OF DIANNE M. ANDRUCH, MANAGING DIRECTOR, OVERSEAS CITIZENS SERVICES, BUREAU OF CONSULAR AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, D.C.

Ms. Andruch. Thank you very much. Good afternoon. Thank you for the opportunity to testify today on behalf of the Assistant Secretary for Consular Affairs regarding the safety of study abroad programs. I thank you very much for the opportunity to address this issue today.

The safety and security of American citizens abroad is our top priority. Our consular information program has long served as the Department of State's primary means of alerting the public to potential problems they may encounter in different countries. The cornerstone of this program is the Consular Information Sheet, to which Mr. Roemer alluded earlier.

This is prepared for every country in the world. Travel warnings are issued to recommend that Americans avoid travel to a certain country, and public announcements are made when relatively short-term conditions pose significant risks to the security of American travelers.

Our home page at `www.travel.state.gov` averages more than 250,000 hits a day or 7.5 million hits a month. We know from some of the messages we have received back from that Web site that far more than just students look at our Web site. We have hits from parents, other countries, travel agencies, and other people in the travel industry.

We also have a variety of specialized materials designed for students. We have a brand-new pamphlet called "Travel Tips for Students," which provides important information and reminders about safety. Our home page includes a feature called "Tips for Students."

In addition, in February of this year, we issued our annual "Travel Safety Information for Students" in advance of spring break. A letter accompanied this from Secretary Albright to the editors of college and university newspapers across the country. We also are working on a public service announcement to be run on college radio stations, aimed at people who might unwittingly be used to carry drugs abroad, for example.

Our embassies and consulates are encouraged to engage in annual meetings with study abroad program participants and to take other measures to reach out to students in those countries. We also raise student awareness about travel safety through our outreach program providing speakers to organizations such as NAFSA, the Center for Global Education, the American Council for International Education, and Smithsonian Study Tours. As limited resources permit, we are also making outreach visits to cities across the United States. For example, Mr. Chairman, during an outreach visit to your home State earlier this year, we met with student advisors and students at Wayne State University in Detroit.

The Bureau of Consular Affairs has joined the Bureau of Diplomatic Security in the Overseas Security Advisory Council, known as OSAC. This program has been used overseas and continues to be used mostly for American businesses, which are located in those areas, but will now be used also to link the schools in those countries. I understand that one of the first to respond to Secretary Albright's invitation to participate in this program was Michigan State.

Mr. Chairman, I would also like to highlight two examples of some innovations we developed to improve our information and services, which we hope will have a significant impact on students. This June, we established a new program pursuant to an interagency agreement with the Justice Department, designed to ensure that U.S. citizen victims of crime abroad and their families receive better services. We are also modifying our automated case tracking systems to get better information about these crimes that are being committed against Americans overseas.

American students and other citizens traveling abroad are also victims of injury and fatality as a result of road and traffic safety. Just last month, September 1st, we inaugurated a new road safety program home page feature, and we are now expanding the road safety information in our consular information sheets.

We "guesstimate," or estimate, that more than 3 million Americans reside abroad, and Americans make more than 54 million trips outside the United States each year. Most Americans have positive, memorable experiences. While unforeseen events can occur anywhere, we believe that safe, informed travel is best achieved by learning everything possible about conditions in the country that that American is planning to visit.

We encourage travel agents, foreign study programs, and also tourist and travel-related industries to inform their customers of the United States State Department Consular Information Program on travel abroad and direct them to our Web site. All U.S. citizen students studying or traveling abroad, and their families, should review carefully this information before they go to a country. We urge them constantly, in any venue possible to, do so.

They should also review our current safety and security publications and register with the U.S. embassy or consulate in that country. That is voluntary, but in order to receive the most current information, we think it is very important that they do so.

The Fulbright Program sends some 900 U.S. graduate students and graduated university students overseas annually to do research across a wide spectrum of disciplines. This occurs in over 140 countries. The vast majority of these students sponsored under the Fulbright Program are in countries with rates of crime, violence, and political instability no greater than that found in the United States. Some participants, however, do go to countries where there is potential for civil disturbances and/or violence. The Department ensures that each Fulbright grantee is familiar with the consular information program.

In the event, however, of an emergency confronting American students abroad, or their families, the Bureau of Consular Affairs here in Washington is available 24 hours a day, 7 days a week, and I will give you the phone number at 202-647-5225. Our embassies and consulates abroad are also available at any time through our duty officer program. I would like to add here, if I could, that phone number that I have just given you is also in the U.S. passport. So if someone is in trouble and cannot find any of the other many pieces of paper that they have taken with them on this particular trip, that number is readily available.

In summary, I think we are doing a good job. But I recognize the ever-increasing need to do an even better job in raising security awareness among students and other Americans who travel abroad and in working with them to prepare our young people for safe, informed travel. If even one U.S. citizen is injured or killed while traveling overseas, that is not acceptable. We cannot always control events, but we must do everything possible to prevent new tragedies from happening.

As we encourage America's children to explore foreign cultures, we must also ensure that they are well informed, know where to go for help if they need it, and be in contact with people back in the United States who can help them.

We believe that the Department's efforts to protect Americans traveling overseas have been facilitated by our ongoing dialogue with interested Members of Congress, such as yourselves and many others, and we look forward to working with you to seek opportunities for improvements in international travel information and service.

Mr. Chairman, this concludes my statement, which summarizes my full testimony that I have provided the Committee for the record. Thank you again for the opportunity to speak to the Subcommittee today.

WRITTEN TESTIMONY OF DIANNE M. ANDRUCH, MANAGING DIRECTOR, OVERSEAS CITIZENS SERVICES, BUREAU OF CONSULAR AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, D.C. – SEE APPENDIX H

Chairman Hoekstra. Thank you very much.

How good is the information from the State Department and the Department of Education on conditions in areas overseas?

Ms. Andruch. If I could take a shot at that first, Mr. Chairman, I guess I am biased, but I think it is excellent. I think the thing we view as the number one responsibility and number one priority of the State Department is ensuring the safety and well being of all Americans who travel overseas.

To do this, we depend to a large extent on ambassadors and consul generals in our embassies and consulates abroad and their staffs to monitor the situation for changes that we may not always be aware of at the same time in the United States. And with that in mind, we look at our consular information program as sort of a work in progress. The Consular Information Sheet is updated whenever necessary, at the very least, once a year. But it is a continual process.

At the same time that we update our information sheet, we disseminate it to the press and to our embassies overseas. It is also immediately on the Web page. By doing that we also have a system in our embassies that we call a "warden system" whereby wardens are located throughout the country who have agreed to help facilitate our disseminating information that we think is important to the resident American community. And by putting new information on our Web site, it is also available immediately to the Americans living overseas.

So I think we are doing a pretty good job. I think that by continuing to have discussions with other people and other organizations who have the same interests, obviously, and maybe getting information from other sources, as long as we can keep talking and sharing the information, I think it will remain good.

Mr. Fritschler. We rely on the Department of State for most of the information we have and pass on about conditions overseas. I agree with my colleague that the data is very useful and very good.

Sometimes things are not as clear-cut as we would like them to be. I understand, for example, at the moment Indonesia is not on the State Department Watch list, but East Timor is. So universities, which send students to Indonesia, should tell those students not to travel to East Timor, but there would be no reason to discontinue studying in Indonesia.

This is always a question of judgment. It is always a question that well-trained professionals should look at and know how to make the right determinations about at the right time.

Chairman Hoekstra. I think it is a matter of accuracy of the information.

I am not going to ask Brett to come back to the panel, but we may follow up with some written questions as to how often Kroll Associates uses the State Department and how many layers underneath it they go as they are working with a corporate client or a university on one of these programs.

Come on up to the mike.

Mr. Laquercia. In fact, that is a specific area of my firm that I have worked with most over the years, and more often than not, it is corporations that are using this service. The corporate community avails itself greatly of these services, and thankfully for us, of the private sector services as well.

We have what the corporate community considers to be the Kroll version of the OSAC service. And the reason that they usually give for using our services is that in many cases the information that they will get from the State Department is not as current as they need. Mrs. Andruch mentions that, in some cases, reports will be updated at least once a year. That is often not good enough, or frequent enough for the community that needs the information. I think in this case, the universities often need more updated information.

Now, another point is, and correct me if I am wrong, we offer city-level advisories on approximately 300 cities all over the world. To my knowledge, there is no publicly available information that drills down to that level.

Chairman Hoekstra. I think that is one of the things that we may want to take a look at, and I think what we are talking about here, as Ms. Andruch mentioned is time and resources and dollars.

Maybe one of the things that we need take a look at is not only just students but in a global economy, businesspeople as well. There may be a need to expand the information and the timeliness of the information that the State Department has available, because it is a key resource, and it is a changing economy. Perhaps from a Congressional standpoint we haven't changed fast enough to provide you with the resources to get the information to people on a timely basis.

Ms. Andruch. I would appreciate any further dialogue or ideas and discussions on how to do this better. As you say, and I also think with globalization 10,000 students overseas in several years is not unrealistic at all.

Chairman Hoekstra. I don't think so either.

Mr. Roemer?

Mr. Roemer. Thank you, Mr. Chairman.

As I mentioned, in between the last panel leaving and this distinguished panel coming, to the Amato and the Schewe family, I have four children and I certainly want them to be able to study abroad. I support the study abroad programs whether we get to 10,000 or 12,000 or 15,000 students. We want our children to be able to experience different languages and different cultures and see from a different perspective what other people go through, as well as what we have in this country. And there is nothing like an experience abroad to do that.

We also want those students and those children to be safe. And as we are expanding these programs, we have got to make sure that they are doing the correct things by using Internet to give appropriate warnings to let people know about road conditions or the political conditions in a country.

I have a couple of very brief questions. I know we talked about disseminating information at the State Department. Do you ever evaluate the schools and the programs and cite weaknesses and strengths in programs? Do you ever give feedback to programs that are not doing a particular job in one area or another?

Ms. Andruch. I was nodding and was all ready to say, yes, until you finished your second question. We do evaluate the information that we get before we disseminate it. However, we do not look specifically at study programs overseas. We rely on others in the field to do that and to get back to us. Certainly, I think I am safe in saying that if there was a problem that came to the attention of the embassy, of the ambassador and his staff, because our staffs very often have children in these same schools and universities, they would share that information with us. And, yes, we would look at it and make a determination.

Mr. Roemer. You evaluate the information but you do not evaluate the specific programs that universities then implement?

Ms. Andruch. No, sir, we do not.

Mr. Roemer. Do you keep track of the number of students abroad?

Ms. Andruch. We keep track in a general way, but not precisely, because there is no requirement that students register with us. So we know generally from feedback from our embassies, because they have contacts with the schools.

Mr. Roemer. So the State Department or the Department of Education have no idea how many students are traveling or studying abroad or in what country?

Mr. Fritschler. We rely on the IIE data. That is the data that has been used all morning; the 114,000 figure and the 10,000 figure.

Mr. Roemer. You rely on it, meaning that that is not your figure? You cite it?

Mr. Fritschler. That is right. They collect that data, and they have been collecting it for 25 years.

Mr. Roemer. Should you collect that data?

Mr. Fritschler. We could do that. To some extent, it would be difficult, and we would find ourselves duplicating what they are doing.

Mr. Roemer. I am not asking you to do it. I am asking should you do it. I do not want to tell you to do something that is not in the best interest of safety.

Mr. Fritschler. There is some data we do keep on study abroad. For example, we know the numbers of students who have Title IV loans who are studying abroad, and we know where they are. We know over the past 40 years, roughly, 30,000 Fulbright students have studied abroad; and incidentally, we have had only four or five fatalities in that group.

Mr. Roemer. Do you track the number of fatalities and injuries abroad?

Mr. Fritschler. No, we do not. That would be anecdotal.

Mr. Roemer. Why is that? Is that because the Higher Education Act that cites, "Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures or practices by institutions of higher education with respect to campus crimes or campus security"?

Is that what was cited earlier?

Mr. Fritschler. I don't know. I am not a lawyer either.

I suppose our general counsel would tell us that is the reason we are not doing it, but by tradition we haven't been doing it either. That data is extremely hard to gather from overseas sites, to make comparable and to come up with definitions.

In this country, we rely on the Justice Department's definitions of crime. We would have nowhere to go, really, for international data.

Mr. Roemer. When a country such as East Timor or Indonesia falls into a situation where there is great political instability, what is the procedure that takes place between the two Departments to let our institutions that may have students abroad know that the country has been reclassified? Or is there no procedure?

Mr. Fritschler. We rely on the State Department to come up with that data. It is then disseminated on their Web site. It could also appear on our Web site eventually via these three interlinked sites I mentioned. But at the current time it is State Department data that goes directly to colleges and universities. We have no mechanism, no inspection service, and no people on the ground overseas.

Mr. Roemer. My question is to the State Department: Let's say they reclassify East Timor tomorrow and it goes up from a warning to an evacuation. Does the State Department then get in touch with our students, our universities, such as Indiana University, that may have a program there and say, we have reclassified this, there are significant political warnings now for that program, we wanted to let you know that? You do not know that they have got 15 students over there, but you know that they have a program. Is there any kind of communication on that, or do you simply put it on your Web site?

Ms. Andruch. No, sir, there is communication about situations first. I sort of immediately perked up when you said "evacuation," because we would never evacuate.

Mr. Roemer. I am not saying that you would evacuate a post. I was asking how would you contact students or universities?

Ms. Andruch. There is always a dialogue among offices in the State Department and the post when there is any change in the situation at all. In fact, the embassy or the consulate and the State Department are in dialogue before any sort of change in the situation is disseminated. And at that time, yes, when we know there are schools, whether there are 5 students there or 50 students there, we do that. We call any place where there are concentrations of American citizens of any type. We do contact them.

Mr. Roemer. So you do track that? You know that there are five universities that have an overseas program there, although you do not track the number of students studying abroad?

Ms. Andruch. Yes. Let me clarify. It is not necessarily the office here that would have that information readily available, but our embassies, and posts overseas do know that.

Mr. Roemer. Do you also share road safety information with these groups too?

Ms. Andruch. Yes, sir, we do. That is expanded both on our Web site and on our information sheets. It is incorporated in all of them.

Mr. Roemer. Thank you.

Mr. Laquercia. May I just follow up regarding that exact question?

Chairman Hoekstra. If you keep it brief.

Mr. Laquercia. The service that we provide to subscribers includes actually sending a daily briefing. If a warden message does come out, or a State Department warning is changed on a country, we will include that in our daily intelligence briefing and e-mail or fax it to the client. We send that each day. So that would appear and alert them to that fact, but they must subscribe to the service to get that.

Chairman Hoekstra. All right. Thank you.

It has been a very informative hearing with both panels today. I want to thank you for being here. As we have talked about this as an issue, I think that from a bipartisan basis we have a very high degree of interest in the safety of American people abroad, especially our young people that are involved in the study programs.

I am not sure where we go from here. I think we have gotten a lot of information that we now have to go through. I think we can work together on this and find the exact direction that we need to go.

Ms. Andruch. If I could just say, again, because the Bureau of Consular Affairs does have many programs concerning the well being and welfare of Americans in general, we would be happy to meet with your staffs at any time to discuss it further.

Chairman Hoekstra. Great. Thank you very much, and those are my closing comments. Mr. Roemer, do you have anything you want to add?

With that, the Subcommittee thanks all the witnesses for being here today, and the Subcommittee will be adjourned.

Whereupon, at 1:06 p.m., the Subcommittee was adjourned.

APPENDIX A - WRITTEN OPENING STATEMENT OF CHAIRMAN PETE HOEKSTRA, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS, COMMITTEE ON EDUCATION AND THE WORKFORCE

Hearing of the Subcommittee on Oversight and Investigations of the House of Representatives Committee on Education and the Workforce

"Safety in Study Abroad Programs"

October 4, 2000
Washington, DC
Opening Statement of Chairman Pete Hoekstra (R-MI)

Good morning. I want to thank everyone for being here today. We are here to learn about the safety standards and practices of study abroad programs.

My attention was first drawn to this issue by a recent series of articles that ran in *The Detroit News*. It was headlined by a tragedy that occurred in March in which a pair of 19-year old American women was shot to death outside a village in Costa Rica. Their bodies were left in a jungle ditch.

One of these young women was participating at the time in an overseas program sponsored by Antioch college. She was on an unstructured program called a "creative co-op" in which she was to photograph Costa Rican culture. She was given no formal orientation, no local contacts and no assistance in locating housing. She had no in-country supervision and her only regular communication with the college was a weekly e-mail.

The behavior of the school in this instance, "borders on the criminal" according to one study abroad professional quoted by the *Detroit News*.

Nor is this the only study abroad tragedy to occur in recent years. In 1998, two pickup trucks carrying bandits intercepted a group of students and teachers from St. Mary's college in Maryland. Five female students were raped. This is in an area where there had been numerous reports of highway banditry.

Another tragedy we will hear about today occurred back in 1996, when four American students were killed when the bus they were riding in drove off of the grand trunk road in India. One of the students was the daughter of Mr. John Amato, who has traveled here to testify today.

The students on that fateful bus ride were participating in the University of Pittsburgh's semester at sea study abroad program. The bus trip was not a part of the pre-printed itinerary, which called for a plane flight. But the plane ride fell through due to poor planning. Choosing from several possible options, group leaders elected to put the students on a six-hour night-time bus ride on a road deemed, "one of the most perilous in the world" by an experienced travel writer.

Such tragedies are far from the norm in study abroad, but they force us to focus our attention on a rapidly growing and unstructured field that lacks uniform standards for safety. More than one hundred thousand American students study abroad each year, and the total is increasing by about ten percent annually.

While Western Europe is still the leading destination for study abroad students, the proportion is shifting: for instance, since the 1985-86 academic year, the share of Americans studying in Europe has fallen by fifteen percent, while the proportion going to Latin America has more than doubled.

A presidential memorandum issued in march requires the secretaries of state and education to help increase the number of students who study and intern abroad, encouraging students to choose nontraditional study abroad locations. And in June, education secretary Richard Riley endorsed the goal of doubling student exchanges in the next ten years.

What concerns me is that there may be a sizable gap between the best and worst run study abroad programs. That gap is likely to increase if there is a headlong rush to expand study abroad activities by institutions that are not prepared to do so. I fear that they may be tempted to cut corners or to send students to potentially dangerous areas without taking the necessary precautions.

We will hear today from Peter McPherson, the President of Michigan State University, which sends more students abroad to study than any other University in America. The Michigan state program is called, "one of the safest and best run overseas programs" by *The Detroit News*, since it includes a number of safeguards, such as contracting with local experts in each country to hold orientation sessions with arriving students.

But the field lacks overarching safety standards. When study abroad professionals in 1998 drew up a set of common sense guidelines for ensuring student safety, only a handful of colleges and universities would sign onto them. So while it is relatively easy to learn about the safeguards used by the most responsible study abroad programs, it is difficult to know what the lowest common denominator is, especially for newer, less established overseas programs.

We do know that students are sent into dangerous situations. *The Detroit News* reports that, between 1996 and 1998, American colleges sent students to sixteen countries that the state department had warned Americans to avoid and students were sent to eleven nations where the peace corps had withdrawn for safety reasons.

There were 221 American students in Colombia for instance, between 1996 and 1998. During that two-year period, the state department issued five travel warnings advising Americans to avoid the country due to rampant kidnapping of Americans, and violence by drug cartels, guerrillas and paramilitary groups.

Although there are no comprehensive statistics on study abroad fatalities and injuries, its clear that the vast majority of students who study abroad return home not only safe and healthy, but with a broader perspective on the world. Many students describe their overseas study as the most rewarding aspect of their entire college experience. I think the university officials we hear from today will testify to the tremendous educational value of studying in a foreign land.

As a parent, I am thankful that my children will have the opportunity to study overseas. Yet as a parent, I am also concerned about their safety, and I know that the parents of the more than one hundred thousand students studying abroad this academic year are concerned as well.

So if this hearing draws greater attention to the importance of safeguarding the lives and well being of those American students who elect to study overseas, I will consider it to be a success.

With that, I will conclude my opening statement.

APPENDIX B - WRITTEN STATEMENT OF CONGRESSMAN JOHN OLVER, 1ST DISTRICT OF MASSACHUSETTS, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

Statement by Representative John W. Olver (D-MA)

Hearing on Safety in Study Abroad Programs
Subcommittee on Oversight and Investigations, Committee on Education and the Workforce
October 4, 2000

I want to thank Chairman Hoekstra and Ranking Member Roemer for the opportunity to address this subcommittee today. My remarks will be brief.

The issue of safety on study abroad programs is an important one. I commend this subcommittee for exercising its oversight and looking into it. In recent years, we have all read press accounts of accidents, tragedies, and nightmare scenarios that have happened to American students studying abroad. A New York Times editorial from 1998 began with a particularly poignant statement that summarizes the difficult issue before the subcommittee today:

> The rape of five college students on a winter break study trip in Guatemala is a nightmare and a tragedy. It is also a warning that foreign trips must be carefully planned to eliminate unnecessary risks, and it is not yet clear whether the sponsoring college did so. But the assault is not a reason to cut back on schools' foreign study programs.

The editorial goes on to give details of the event in Guatemala and offers an analysis of what colleges can do to prevent tragedy from striking. I have included this editorial with my remarks and ask that it be made part of the record.

Tragedy often strikes without warning. Such was the unfortunate case for a family that I know in Massachusetts. Anne and Charles Schewe, who reside in my hometown of Amherst, Massachusetts, received the most tragic news possible while their daughter Sara was traveling abroad with the University of Pittsburgh's "Semester at Sea" program. Sara and four of her classmates were killed in 1996 when a speeding passenger bus flipped into a ditch near Bhimnagar, India. The students were on their way to see the world renowned Taj Mahal. Since Sara's death, Anne and Charles Schewe have worked tirelessly to raise the profile of study abroad accident prevention and international road safety. Besides making Capitol Hill visits and working with public and private officials, they have launched Sara's Wish Foundation, a nonprofit organization dedicated to promoting international travel safety and providing educational scholarships to young women with vision and a sense of adventure. I encourage members of this subcommittee and interested parties to visit to find out more details.

Mr. Chairman, each year, thousands of young Americans venture to far-away parts of the world, many to travel, many to study, many to work and live. It is true that most of these travel experiences offer young people the opportunity to grow and learn, and to come into contact with foreign cultures in a way that allows them to discover and develop their own potential to contribute to society. Nevertheless, it is also true that many of these young people fail to understand all of the risks involved in international travel. All travel carries the possibility of risk-- this is obvious. But some risks are unnecessary, and parents, friends, educators, universities and public policy makers need to make information more accessible so that students and their families can discern when a risk is not worth taking. We can save lives by doing this.

Prevention of study abroad accidents falls most squarely on the shoulders of the university community. Universities should not feel obligated to cancel study abroad programs in regions with underdeveloped infrastructures-- where the observation of foreign cultures can be most beneficial-- but information about travel risks must be provided to families. Where there is a conflict zone or a particularly dangerous transportation system-- students should know to stay away. Program administrators can prepare students before they choose a program, brief them before they go, and the chaperones in the foreign country can take greater responsibility in counseling students about travel.

In fact, there is already an infrastructure in this country for educating students and families on the risks of international travel. That infrastructure needs to be mobilized and put to more effective use. The study abroad programs at our universities have representation in the following organizations: Association of International Education Administrators, the Council on International Educational Administrators, and the Association of International Educators (NAFSA). I have had only limited success in learning the details of the efforts of these organizations to train their members about the risks of traveling abroad. I see no reason, for example, that they should certify any study abroad program or its administrators before requiring a safety briefing for all participating students. Additionally, I would like to see each of these organizations launch a safety training initiative and make it a central focus of their programs. I would be pleased if they reported their efforts to me and the members of this subcommittee.

The federal government should be wary of stifling study abroad programs, but we can do more to promote safety. The U.S. State Department can improve its information dissemination process, through fliers and website postings. Most importantly, State can work more closely with the study abroad associations to implement safety training and information dissemination programs.

In taking these steps, we need not quell the sense of adventure that pervades our youth. But we do need to teach the avoidance of unnecessary risk so that adventures can be realized. That is Sara's wish.

Thank you for this opportunity to give remarks.

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HEADLINE: **Students' Risky Foreign Trips**

BODY:

The rape of five college students on a winter break study trip in Guatemala is a nightmare and a tragedy. It is also a warning that foreign trips must be carefully planned to eliminate unnecessary risks, and it is not yet clear whether the sponsoring college did so. But the assault is not a reason to cut back on schools' foreign study programs.

The victims were students at St. Mary's College, a small liberal arts school in Maryland. They were on the last day of a 17-day trip to study the history, culture and ecology of the Peten, a Mayan region in Guatemala's north. The assault, however, took place in the south of the country, in daylight, after gunmen forced their rental bus off a well-traveled highway.

Guatemala's crime rate has soared since the end of its civil war a year ago. Robberies, kidnappings, murders and rapes, many by former soldiers and guerrillas in the civil war, are a source of worry for most Guatemalans and many tourists. The State Department's consular information sheet on Guatemala is a sobering document, warning that daylight assaults have affected groups of United States tourists. It even describes an incident that was similar to the assault on the St. Mary's students, the rape of five foreigners on a public bus last July.

St. Mary's has run the same Guatemala trip for two years without incident, along with trips to Gambia, China and other nations. Jorge Rogachevsky, the professor who planned the trip and accompanied the students, had lived in Guatemala and said he had traveled the same highway with his family many times. Guatemala's crime rate is not the highest in Latin America. About 150,000 Americans visit every year. Most have no problems.

Whether the school somehow failed its students requires further investigation. St. Mary's officials say they informed students of the risks, but it is unclear whether the warnings were sufficiently strong. Also, the assault took place on the way to a ceremony for the students far from the Peten, an event that may not have been an integral part of their research and might have been skipped.

Colleges cannot and should not provide a hermetic environment for students. Foreign trips, even to countries where some risk is involved, can be enriching and life-changing experiences. That is not a claim anyone would make about other activities that probably put students at higher risk for rape, such as fraternity parties on some campuses.

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APPENDIX C - WRITTEN STATEMENT OF JOHN G. AMATO, LAWYER AND BUSINESSMAN, NEW ORLEANS, LA

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
COMMITTEE ON EDUCATION AND THE WORKPLACE
Hearing on Safety in Study-Abroad Programs
Testimony of John G. Amato
October 4, 2000

I. Introduction

My name is John Amato and I am a lawyer and businessman from New Orleans, Louisiana. But, today I appear before you as the father of a child who was killed while traveling on a study-abroad program. I also speak for the parents of three young women, Jenna Druck (University of Colorado in Boulder), Cherese Laulhere (University of California in Los Angeles), and Sara Schewe (Georgetown University), who were killed with my daughter. We thank Chairman Hoekstra and the members of the Subcommittee for giving us the opportunity to address this paramount issue of safety in study-abroad programs.
In my testimony, I would like to cover the following:

The facts of our daughters' tragic deaths

The response of our daughters' study-abroad program sponsor since the accident

The importance and the complexity of the problem regarding safety in study-abroad programs

Suggestions for potential legislative action in the area of safety in study-abroad programs

II. Virginia's Death

In the fall of 1995, my twenty-year-old daughter, Virginia, a junior at the University of Texas in Austin, began her research on study-abroad programs. On her own initiative, she obtained literature about several programs for the spring, 1996, semester from the study-abroad office at the University of Texas. One of these programs was the University of Pittsburgh's Semester at Sea. Virginia, my wife and I studied the promotional material and since our daughter was most interested in the Semester at Sea (SAS) program, we questioned several former SAS participants and their parents regarding their experiences with the program. We then decided upon the University of Pittsburgh program, which has been in existence for more than thirty years and draws students from universities throughout the United States as well as a few foreign institutions. While on board a Panamanian-flagged vessel entitled the S.S. Universe Explorer, the participants sail around the world. They attend regular university classes, as well as studying in depth each of the nine countries that the ship visits. Each semester, Semester at Sea sponsors approximately 270 Field Programs that supply 20% of the academic credit for each course and are priced separately.

Before our daughters left for the Semester at Sea, they were sent itineraries for the Semester at Sea Field Programs offered in the first four countries. The itineraries covering the last five countries, beginning with India, were given to our daughters well into the voyage and, while on the high seas, the students selected and paid for the additional Field Programs. Because communication with our daughters both from the ship and from the countries visited was difficult to say the least, we as parents had no opportunity to provide any input at all into the selection of Field Programs for these final five countries. However, we had encouraged our daughters to spend all their time within the foreign countries on school-sponsored programs, as we believed that participating in an enrichment program organized by the sponsor's experienced professionals was a means of assuring their safety while abroad.

For their stay in India, our daughters chose a Field Program that has been a staple offering in prior SAS visits to India. This Field Program was described as involving guided tours throughout the visit, an air flight from Madras to Delhi, an overnight stay at a hotel in Delhi, an air flight to Varanasi, an overnight stay at a hotel in Varanasi, an air flight to Agra, an overnight stay at a hotel in Agra, and a "return trip to Delhi" involving "a six hour drive covering a hundred and twenty miles" during the daylight hours with a return flight from Delhi to Madras. This Field Program cost $745.00 which was paid in addition to the basic program tuition. Varanasi is the Holy City of the Hindus and the oldest inhabited city in the world. Agra is the site of the Taj Mahal. At some point after the boat arrived in Madras, our daughters were given a revised itinerary which substituted the Varanasi-Agra plane trip with a plane ride from Varanasi to Delhi and then six-hour bus rides both to Agra and back to Delhi, the first bus trip to take place at night. We have been told that, in the limited time available, the students tried to arrange alternate methods of transportation to avoid two six-hour bus trips, but their efforts to secure airline or train reservations of course proved futile. Completely unbeknownst to their parents, our daughters, who had been sold a plane ride from Varanasi to Agra, were instead put on a bus at night on what we have learned is one of, if not the, most treacherous roads in the world, that being between Delhi and Agra. Late on the night of March 27, 1996, the bus swerved off of that road and flipped over into a ditch. Seven people were killed, three students were critically injured and countless friends and family members were mentally and emotionally scarred.

III. Semester at Sea Response

Nearly from the day after the accident, we parents have been attempting first to learn the facts that resulted in our daughters' deaths and secondly to work toward preventing such accidents from occurring in the future. We have endured a frustrating struggle in both regards.

The response of the University of Pittsburgh to the parents has been uniformly lacking. From early on in this process, the university effectively went into a litigation defense mode. Totally frustrated in our efforts to ascertain the facts, six weeks after our daughters' deaths we agreed to compose a statement (attached: "How Dare You...") for an upcoming conference for university administrators of study-abroad programs. We hoped that our statement would promote the issue of safety in study-abroad programs, an issue that of course was of paramount concern to us and, we assumed, to the programs' administrators. We sent a copy of our statement to the Chancellor and to the Chairman of the Board of Trustees of the University of Pittsburgh. In the statement we enumerated our many unanswered questions regarding the accident and the events leading up to it as well as questions regarding the program's overall handling of the safety issue within its system. In the cover letter to the Chancellor (attached, Nordenberg and Connolly Ltrs.), we asked him to provide us copies of any reports that he received on this accident.

We never received a response from either the Chancellor or the Chairman of the Board. We did, however, hear from their lawyers. We also received a letter from Dr. John Tymitz, the Executive Director of the Institute for Shipboard Education (ISE) at the university. His letter (attached: Tymitz Ltr-Institute for Shipboard Education) purported simply to "update" us on the most recent information concerning the bus accident although it did in fact directly refer to some of the issues raised in our statement. It in no way addressed the overall issues of safety in the University of Pittsburgh program that we had raised.

Furthermore, Dr. Tymitz's "responses" to our questions specifically regarding the accident are false or inaccurate. We asked why our children were sold a plane ticket and then, at the zero hour, placed on a bus for a six-hour nighttime trip on an extremely dangerous road. Dr. Tymitz told us that "the decision to change the itinerary to include the bus trip was made by the tour agent." In fact, the tour agent only recommended the change. Dr. Jill Wright, their Director of Academic Development and Field Programs, authorized the substitution of the night bus trip two weeks prior to the ship's arrival in India.

Dr. Tymitz told us that the tour agent "in India . . . learned that the airline had over-booked the flight that was to have taken the students from Varanasi to Agra." In fact, the flight was not overbooked; it was already full from the outset of the efforts to make the reservations, and the university's agents had been advised of this fact at least as early as December 22, 1995, long before our daughters had been sold the trip. The sixty students had been waitlisted with little or no chance of getting onto the flight. In his deposition, the tour agent, Unni Menon of Spectrum Tours, states that he believed the waitlist situation would clear closer to the date of travel. Nathaniel Waring, the Manager and President of Cox & Kings, a 240-year-old British tour operator specializing in arranging travel within India for foreign travelers, writes: "I find this supposition to be unbelievable from my experience as an organizer of group travel in India. In my opinion a waitlisted group of 60 seats on a flight scheduled to be operated on a B-737 [carrying only 119 passengers] on a sector which has only one scheduled flight is unlikely to clear closer to the time of travel. It was Menon's statement that he believed that Indian Airlines may operate a second flight for that sector. This is unbelievable as well as Indian Airlines has an admitted shortage of aircraft. I have never seen [Indian Airlines] place an additional flight on this sector." (attached: Nathaniel Waring, Cox & Kings Report)

Dr. Tymitz also told us that the program sponsor "has worked successfully and safely with this tour agent for many years." In fact, while Semester at Sea previously worked with Unni Menon, it had never before worked with Spectrum Tours, nor with the Indian travel agency, Uday Tours, that had been subcontracted by Spectrum. SAS had worked with Mr. Menon only when he was the U.S. contact agent for Trade-Wings, a large Indian travel agency with a strong reputation and extensive back-up system that provided services to the program for years. In October, 1995, a few months prior to our daughters' voyage, Unni Menon left Trade-Wings to establish Spectrum, a two-person office in Connecticut. Inexplicably, the program chose to leave Trade-Wings and follow Mr. Menon. Fathom the logistical issues involved in moving 600 young people on approximately forty different programs, fifteen including overnight trips, throughout the Indian nation in four days and then getting them in a safe and timely manner back to the ship for sailing. Instead of assigning this mammoth task to one of the recognized, experienced, large tour agencies operating in India or remaining with Trade-Wings, the program gave its business to the newly created and uninsured Spectrum which had two employees (Mr. Menon and his wife) and relied upon a similarly uninsured subcontractor, Uday Tours, who in turn relied upon another subcontractor to issue tickets and yet another subcontractor in Agra to look after the SAS students. Mr. Waring comments upon this arrangement, "In reading the testimony it is clear that Dr. Wright did not ask any questions of Spectrum pertaining to Spectrum's infrastructure within India . . . . What is apparent from the testimony of both Dr. Wright and Mr. Menon is that this process had no system of checks and that the end user [SAS] was relying on a supplier who was himself distanced from his subcontractors."

Regarding the danger of the road that these children were placed upon, Dr. Tymitz told us that the sponsor "had no prior information to indicate that the road on which the accident happened was not appropriate for bus travel as was arranged." The only way this can be true is if Dr. Tymitz and the entire Pitt organization had had their heads stuck in the sand. Either this is a lie or a clear admission of incompetence.

We ask you to contrast this statement with Anthony Weller's expert report (attached: Anthony Weller Report, "Driving Conditions of the Grand Trunk Road, India") describing the conditions of this road. The Grand Trunk Road (GT) between Delhi and Agra, a two-lane road that "resembles what an American might call a broken country back road," has "potholes literally everywhere. It narrows and widens constantly without warning . . . . The GT is carrying the dense traffic of the most important road in the subcontinent. This means predominantly a stampede of six-wheeler, two-axle trucks . . . . There are (with only a few brief exceptions) no dividing barriers on the GT. The result is that a road barely wide enough for two lanes of traffic most of the time – one in each direction – has instead a chaos of trucks sometimes three or four abreast, all vying for position, trying to overtake, hurtling straight at each other, and most dangerously crossing from lane to lane regardless of what direction it or they are going in. There are no lane markers either . . . . Speed limits are utterly ignored and entirely self-imposed . . . . The road is unlit . . . . There are no street or highway lights of any sort on the GT . . . . There is a strong Indian road tradition of not using headlamps at night . . . . Headlamps may be switched on and off rapidly at the last moment – often to blinding effect . . . . The road's dangers were multiplied exponentially in darkness . . . . **The road is like a deadly video game in which obstacles and other vehicles come at you constantly** (emphasis added)."

After providing a long list of readily available guidebooks on India all pointing out the dangers inherent in Indian road travel, Mr. Weller explains, "It is, in fact, difficult to find an Indian guidebook which does not warn about hazardous road conditions there . . . ." Mr. Weller concludes that "there was indeed a wealth of such information readily at hand . . . . It is incomprehensible to this reporter that anyone who had spent ten minutes on an Indian road could have imagined that a six-hour bus trip on the busiest highway in India, by night, was a viable way to transport students . . . . On Indian roads, the risks are always monumental. The events of March 27, 1996, were predictable, and bound to happen sooner or later. They were also avoidable."

Nathanial Waring of Cox & Kings concurs with Mr. Weller. "I also find it difficult to believe the testimony of both Dr. Wright and Mr. Menon regarding their perception of the safety on road travel within India and most specifically of travel by bus on the Delhi to Agra road after sunset . . . . C&K has a clear policy to not use major trunk roads after nightfall in any planned itinerary . . . . It is also the policy of C&K not to use the Delhi-Agra road during the day as well." Our daughters were on the road at night and were intended to travel it by day.

The U.S. State Department has recognized the dangers of travel on Indian roads as well. For example, an internal publication directed to those posted at the U.S. Embassy in India advises:

"If you MUST drive out of Delhi, drive in the daylight ONLY!

Most national highways are extremely dangerous and remain the biggest threat to you and your family's health while posted here!"

The U.S. State Department in 1996 issued a release that stated:

> "Travel by road in India is dangerous. Outside major cities, main roads and highways are poorly maintained and always congested. Even main roads often have only two lanes, with poor visibility and inadequate warning markers. Heavy traffic, including overloaded trucks and buses, scooters, pedestrians and livestock, is the norm. Travel at night is particularly hazardous."

Since the accident, four and a half years ago, every person we contacted or who contacted us who knows this road was horrified to learn that anyone, much less a university conducting a study-abroad program, could be so unconscionable as to put these children on this road at night. And yet the travel-abroad "experts" at the University of Pittsburgh did exactly that. The university did not have in place a system insuring that all critical life safety issues were addressed by real safety experts; such a system would have precluded both the selection of Spectrum and the bus trip on that road when the train is the standard form of transportation between Delhi and Agra. In fact, in her deposition one year after the accident, Dr. Wright, the university's Director of Academic Development and Field Programs, who two weeks prior to the accident had issued authorization for the ill-fated bus trip that cost our daughters their lives, stated that she would certainly put students in a bus on that road again.

Dr. Tymitz also told us that the request for "'$3000 in the middle of the night' from parents of the deceased to cover expenses to repatriate the bodies of the deceased" was made by the State Department "unbeknownst to ISE." In fact a senior representative of the State Department in India had contacted program administrators on the S.S. Universe Explorer regarding this matter and they refused to take responsibility of any kind.

We assumed that on learning of our tragic event the Chancellor and Board of Trustees would order an outside expert to investigate how this terrible event could have happened. Thus, we requested that copies of any reports on this accident furnished to the Chancellor or Board of Trustees of Pittsburgh be made available to us. That has never occurred. The only report made available to us by the university was regarding the court appearance in April of 1996 by the bus driver in India. At that time the university thoughtfully provided us with a list of attorneys in India who "should be competent to bring an action in an appropriate forum against the bus company." Six weeks after our daughters' deaths, the university also thoughtlessly invited us to greet the ship and welcome our daughters home from their journey of a lifetime.

We were naïve when we sent our statement and letters to the university. We fully expected the Chancellor and Chairman of the Board at the university to be as concerned as we were that the facts be brought to light so that whatever went wrong could be corrected before further tragedies occurred. Instead, we learned that the university's primary concern was litigation defense, first through attempting to divert the blame to the bus company in India and secondly, by presenting the facts as if the university had done everything correctly, hoping that the traumatized parents would go away as does usually occur. We did not go away. We persisted searching for answers as to how this could have happened and how it could have been prevented. We persisted trying to penetrate the wall (ISE, a shell corporation with almost no insurance) that the university and the Tung interests of Hong Kong (who controlled the ship) had established in an effort to insulate themselves from liability. We hired Kroll Associates to investigate; we sent a representative to India; we hired agents in India to investigate the road, to see the accident site, to conduct interviews and to gather information. Ultimately we determined that we had no other recourse than to file a lawsuit against the University of Pittsburgh and its partners in this program. Our hope was to establish a precedent that will force the boards of trustees and the heads of universities to recognize the awesome responsibility they have for life-safety in the study-abroad programs that they sponsor. We have endured four years of litigation in the state of Pennsylvania. Only last month, we finally received several boxes from the university with information that we requested nearly four years ago. Our lawyer tells us the information provided by the university is still far from complete.

IV. Problems of Safety in Study-Abroad Programs

Study-abroad programs are extremely popular in the United States. The 2000

Edition of Peterson's Study Abroad describes more than 1,700 programs in 97 countries, only half of the programs actually operated by U.S. colleges and universities. The number of Americans studying abroad has more than doubled since 1985, with about 114,000 students studying abroad in 1998 according to The Detroit News. (1998 is the last year for which statistics are available.) The growth in these programs has been to underdeveloped countries which provide the greatest risks. The value of study-abroad is indisputable and the allure of these programs, to university and student alike, is great. For universities, study-abroad programs provide extraordinary prestige, financial reward and intriguing sabbaticals and arenas of study for their professors. For students, study-abroad offers fantastic educational opportunities and global exposure, and at the same time promises excitement, adventure, fun. Indeed after viewing the brochures and videos provided by Semester at Sea, Virginia's friends and family were jealous of her. We all wanted to go on what was repeatedly described to us as "the opportunity of a lifetime."

The allure of these programs is so great that merely recording a list of tragedies will never be effective in solving the safety problems. Disclosure follows closely the waivers that students are required to sign. Furthermore, a respectable track record does not necessarily reflect an organization well run in terms of life-safety standards; it may simply mean that the organization has been lucky. Our four-and-a-half year ordeal with Semester at Sea has led us to believe that even this reputedly premier study-abroad program was running on pure luck. Our experience has led us to believe that study-abroad programs suffer a problem of systemic proportions within an industry where responsibility for life safety has been treated as a secondary rather than the most important, fundamental issue underlying the entire study-abroad system.

It is not acceptable to have college administrators and professors designing and running programs that are not overseen and audited by highly skilled professional life-safety experts. It is not acceptable to have college administrators and professors designing and running programs without properly researching the potential dangers involved. It is not acceptable to have college administrators and professors designing and running programs that use less than the most competent people in all aspects of the program's execution. It is not acceptable to have college administrators and professors designing and running programs that fail to carry insurance of such a size that the insurers would insist on proper safety measures. Please permit me to repeat this. It is not acceptable to have college administrators and professors designing and running programs that fail to carry insurance of such a size that **the insurers would insist on proper safety measures.** It is not acceptable to have any university attempt to hide behind waivers and warnings or to hide behind uncapitalized and virtually uninsured shell corporations set up to limit liability. And, most importantly of all, it is not acceptable for the university heads or boards of trustees to permit their institutions to sponsor programs in such a manner.

Suggestions for Legislative Action Addressing Safety in Study-Abroad Programs

The analysis of the subject of safety in study-abroad programs cannot begin without an understanding of the actual relationship of the university sponsor with its students and, by extension, their parents. Each side has responsibilities. Certainly it is the duty of the student to follow the guidelines and to heed the warnings issued by the university sponsors. The duty of the university in study-abroad programs is far greater than that which is required on a domestic campus. The student is in a completely unfamiliar environment that presents risks for which he or she is ill equipped to handle. Students and parents do and must depend upon the university sponsor to have the expertise, experience and good sense to make responsible judgments concerning the safety of the students participating in the programs.

We believe in the value of study abroad. We do not wish to diminish the impact of such global learning. However, the first priority of study-abroad programs must be the safety of each and every student. Study-abroad programs have proven to be dangerous not because of some inherent risk in most foreign travel, but because too many people responsible for life or death decisions for the university sponsor are incompetent, arrogant and cavalier about what must be their first priority – life safety.

The answer is leadership – boards of trustees and university heads must insist that no program will be sponsored by their institution unless it is safe. The importance of life safety must be instilled into and permeated throughout study-abroad programs from the top down.

How can this be done? This mandate for life safety can evolve eventually after enough students die needlessly, or it can happen now if a court wakes up the industry with a large financial judgment against a sponsoring institution, or if a very large insurance policy is required and the insurers independently evaluate the programs' systems for assuring life safety, or if legislation is passed to establish federal protections for our children.

We would like to recommend a federal remedy because in truth life safety in study-abroad programs is a federal issue since participants in these programs are drawn from universities all over the nation to travel all over the world. We strongly suggest the creation of a uniform law that establishes a federal standard of liability that can be enforceable in federal court so that the accountability so desperately needed in study-abroad programs can be assured. Federal standards are imposed to protect shareholders, seamen, railroad workers and others. Surely our children traveling abroad whose very lives are at stake deserve at least this much protection. Many of these laws demand an extra degree of accountability from the system that envelops and controls the protected person's world. Surely students participating in study-abroad programs likewise become wards of that program's sponsors who should be held to a similar degree of accountability.

We would completely support Congress in any effort to create affirmative regulations through licensing, the creation of a federal standard of liability enforceable in federal court, or any other methods that will insure universities and their study-abroad programs accept their responsibility for the life-safety of our children and put in place the necessary safeguards to ensure that other children will not suffer the same tragic consequences as our daughters.

"HOW DARE YOU PUT THOSE CHILDREN ON THAT ROAD AT NIGHT?"

"Rule number one in the Third World is to avoid driving at night."

Rochelle Sobel, founder of the Association for Safe International Road Travel.

Conde Nast Traveler. April, 1996, 44.

On February 3 of this year, over 500 families each told an eager, vibrant young adult child good-bye as the students left for a semester at sea; they were to sail around the world on the SS Universe Explorer, studying and visiting nine countries. Half way into the trip, a bus accident in India claimed four of these young lives, critically injured three, and mentally and emotionally scarred countless others. Three other passengers also died in the accident. Our daughters, Virginia, Jenna, and Sara, were three of the students whose lives and dreams ended abruptly and prematurely on that day.

The following is the story of their fateful journey and ours from the perspective of the parents whose daughters have lost their lives, whose families have been shattered, and who are left forever asking "Why?" While we realize even at this early stage of grief that this "why" can ultimately never be answered, we have begun to turn our attention to a question which we feel should be answerable, "What? What could have been done differently? What should have been done differently?"

Before our daughters left for the Semester at Sea, a study-abroad program sponsored by the University of Pittsburgh, they were sent itineraries for the first four countries. The girls made their selections from the options offered. The alternative was to make in-country arrangements on one's own. The itineraries covering the last five countries, beginning with India, were given to our daughters well into the voyage. For their visit to India, our daughters chose a program arranged by the university which included a plane ride from Varanasi to Agra to see the Taj Mahal and a daytime bus trip from Agra to Delhi. When each daughter informed her parents of her decision, we were relieved; we believed they were in good hands, participating in a safe enrichment program organized by the sponsor's experienced professionals.

At some point after arriving in Madras, our daughters were given a revised itinerary which entailed a plane ride from Varanasi to Delhi and bus rides both to Agra and back to Delhi. The first bus trip was to take place at night. Each bus segment involved an estimated six hours to cover 120 miles. We have been told that our daughters tried to arrange alternate methods of transportation to avoid the night bus trip, but with the limited time and resources available, their efforts to secure airline or train reservations proved futile. Thus it came to pass completely unbeknownst to their parents that our children were put on a bus in the middle of the night on what we learned later is one of, if not the, most treacherous roads in the world. Sometime between 11:00 and 11:45 on the night of March 27, 1996, the bus swerved off of that road and flipped over into a ditch. Killed at that moment were four beautiful young women, three of whom were our daughters:

Virginia Amato, 20, a junior at the University of Texas, Austin

Jenna Druck, 21, a junior at the University of Colorado, Boulder

Sara Schewe, 20, a junior at Georgetown University

With one terrifying phone call late that night, our families were completely shattered. The news swept our breath away and stilled the beating of our hearts. We would recall and relive the moment the news came for the rest of our lives, for it is a defining moment of our existence. The news we received is indeed the nightmare every parent fears from the moment a child is born, the worst loss.

Denial came first, followed by an excruciatingly endless wait for the phone call which we fervently prayed for but never came, the one telling us that this had all been a mistake, that our daughters were alive. Eventually shock descended. The feeling parts of our beings swept out of us, although they hovered nearby, thus allowing our bodies to perform a series of terrible tasks. Arrangements had to be made to bring our daughters' "remains" home. We were told in the middle of this awful night to send $3000 to the Embassy in India before procedures might begin. Numbly we agreed. The phones became silent and strangely so did we. Stunned and dazed, remaining members of each family some with their closest friends hugged, caressed, cried softly, perhaps still whispered in stifled agony, "No, No, oh my God, it can't be true." Even our senseless bodies began to recoil in horror; nausea swelled up from our guts and trips to the bathroom or outside became frequent as our bodies' innermost recesses tried to expel the sickening infection seeping within.

With morning light came the first day of our life without our daughter. Like robots we began to make the necessary decisions: how to bring our daughter home, who to call, what type of funeral service to have, where to bury our child, what church or temple to use for our child's service, who to officiate, who to eulogize, who to sing, who to arrange flowers for her casket, what dress to clothe her corpse, how to celebrate our daughter's life .... All this time our daughters' bodies were lying in wait of the $3000 which would enable their return.

As the news spread through our communities, family arrived, friends entered, phones began to ring incessantly and doorbells buzzed continually. Flowers arrived in such numbers that soon we were placing them in bathrooms and outside, anywhere so that space remained for the numbers of people flowing through the house. Everyone brought food, although many of our bodies simply could not tolerate even the thought of physical nourishment. Friends of our daughters arrived, sobbing uncontrollably, outraged at the unfairness of what had happened to the friend they love and had lost. One young girl whispered through her tears that every happy memory that she has contains our daughter. They produced pictures of our daughters, from lower school, nursery school, high school, college, school trips, parties, camp, softball games, dance recitals .... They brought letters and postcards they'd received from our daughters, some a decade old, some newly arrived. They hugged each other, they hugged us and they kept asking, "Why? Why did this happen? How could a life so rich as this one be taken away?" We asked the same questions; we knew we would ask them for the rest of our lives. Our daughters were indeed special young women, with incredible talents and ambitious dreams. They were bright; they were adventurous; they were caring; they were good. Why?

Finally, after days which seemed an eternity, our daughters, these vibrant young women to whom we had said good-bye on February 3, returned home in wooden boxes. Next would come the funeral services which we had planned as carefully and lovingly as we could, the last thing we would ever be able to do for our daughters. Unlike what we had been told, the details of the day did not evaporate into a dazed fog. Every single second of our daughters' memorial day was burned into our memories. We will forever be able to recall the hundreds of pained and tearful faces, some old, too many very young like our daughters; the music which was performed; the prayers which were offered; the words which were spoken in our daughters' homage.

As the days unfolded, the shock which cloaked our bodies began to ebb and slowly, incessantly, feeling drifted back into our being. Seemingly endless, the process of grief had begun. The process of acknowledging our loss had commenced, and it has become a slow torturous road, spiraling upwards and downwards upon itself but ultimately forcing us to move forward to the almost unbearable reality that we would never again see or hear or hold our daughters. This awareness fills us with pain. We feel such pressures within, such primeval rage and sorrow, that we fear our bodies will burst; and simultaneously we feel such emptiness within, such unfathomable loss, that we fear our bodies will implode. We begin to pray for a miracle, for God or some higher Being to bring our daughters back to us. But our prayers, no matter how sincere, how intense, how enduring, are never effective and the miracle never occurs.

We have now begun to feel our loss in earnest. We pick up those bits and pieces of our former lives which we must, but we perform badly. We only go through the motions. Our memory is filled with such voids that at times we are reduced to asking which year we are in. Simple tasks and interactions assume insidious overtones: to go to the supermarket means to glimpse our daughters' favorite cereals, to eat a family meal means to acknowledge we are now a table of one less person, to pass by our daughters' rooms means to gaze upon the beds where our daughters once slept in peaceful bliss. Every time we leave our home, we meet people who look with pity or look away, who say too much or say too little.

We take on new tasks, things which in our former lives we never conceived of doing. We write notes acknowledging the hundreds of people who offered sympathy for our loss; we try to read books about "The Bereaved Parent" who has suffered "The Greatest Loss"; we talk to grief counselors and psychologists; we attend support groups like Compassionate Friends; we devour news stories about traffic fatalities and airplane crashes; we visit our daughters where they now lay.

This mysterious process called grief has taken over our lives. We have been told by experts that our lives will never be what they once were, that we will never get over our loss, that we can only hope to work through our grief. We have also learned, on our own, that we cannot think of the future because to do so is unbearable and that we cannot think of the past because to do so at this point is too painful; we live only from day to day.

We know that for the rest of our lives we will question "How could this have happened?" When we agreed to enroll our daughters in the Semester at Sea program, we placed our trust for their safety in the hands of a university program with a long history and an excellent reputation. Every alumni we contacted spoke in glowing terms of his or her semester at sea, "the experience of a lifetime." We as parents believed our daughters would be safe since they would be in the hands of experienced professionals who had the expertise and the access to pertinent information about the countries being visited, the travel methods available, and the potential dangers of each situation. We depended on these experts to make responsible judgments concerning our daughters' safety. We feel with certitude that the sponsor of Semester at Sea failed to meet this responsibility to our daughters and their families.

The first priority of any program which involves students of any age should be the safety of each and every student. For any parent, this is a given. For any program, the absolute priority of each child's life and well-being should be a creed which guides every aspect of the program's operation. To be effective, it is imperative that this creed of "life safety first" be embraced at the very top and then imposed through every single layer of command. It is unarguably the most important responsibility assumed by a sponsor.

For a parent, a creed of life safety means constant vigilance. It means that the program to which a child is entrusted has been regularly and professionally audited with regard to safety and is internally accountable. The following elements must be incorporated into this process:

1. That existing programs are reevaluated professionally on a regular basis taking into account every new piece of pertinent information which is available;

2. That new programs are scrupulously studied and carefully implemented, with caution being the keyword at every step in the process;

3. That in those cases when unexpected events force a

change in planned activities, the insurance of safety overrides all other considerations;

4. That adequate on-site supervision is provided with specific instructions to override plans when life safety is at issue;

5. That should an accident occur despite the most careful planning undertaken by the program's sponsor, the sponsor will have a contingency plan securely in place to assist to the utmost both the child and the parents.

Parents justifiably assume that any program to which they entrust their child is governed by the principle that safety comes first. Just as program sponsors go to great lengths to specify their requirements regarding the participants' behavior, so also must they impose stringent requirements upon themselves insuring the life safety of those participants. Complacency on the part of an institution which holds in its hands the life of a child is more than unacceptable; it is criminal.

Complacency breeds institutional arrogance and causes lives to be placed at risk. We believe this to be the case in our tragedy. Unfortunately we have no knowledge about whether Semester at Sea conducted regular safety audits of existing programs and stringent safety evaluations of new ones. We do know two things. First, these young people should never have been on that road at night. An Indian friend has told us that the day after the accident, he demanded of a Semester at Sea representative, "How dare you put those children on that road at night?" So also do we demand an answer now. Second, we know that once the terrible accident occurred, we were given no evidence that Semester at Sea had had the good sense or the sensitivity to have considered what should be done in the event of such a tragedy. No contingency plan seems to have been in place.

The manner in which the sponsor of Semester at Sea has handled this tragedy is, to say the least, unconscionable. To allow a parent who has just been informed that a daughter is dead to be told to wire to India $3000 before that daughter's body may be processed to return home is one of several examples of institutional arrogance and blatant insensitivity. The injured students and their parents have reported that they encountered completely inadequate medical care and facilities in India; the injured children, having no adults with them upon being brought to Agra, had to reject three hospitals before they found one which they perceived to be even minimally sufficient. As a further indication of the insensitivity of the personnel at Semester at Sea, three weeks after our daughters' deaths each of our families received form letters inviting us to meet our daughters upon the ship's arrival in Seattle. Upon calling Pittsburgh in outrage, we were told that this was "a computer error."

It has been eight weeks since our daughters' deaths and despite repeated requests via phone, fax and letter, we have yet to learn the details either of the accident or of the basis for decisions leading up to the accident. An eerie wall of silence reeking of institutional arrogance has descended. We do not know what happened to cause our daughters to be on that bus or why the bus which carried our daughters ran off the side of that awful road, but we do know that none of this should have happened. Hundreds of friends have been stricken with grief; our families have been totally altered; four young lives have been irrevocably lost. None of this should ever have happened.

It is not our intention to destroy the program in which our daughters chose to participate and which we considered beneficial for them. We believe firmly that programs which allow our children first-hand exposure to the world around them are valuable. We also believe firmly that the responsibility to insure life safety must be paramount to these programs, as it is to the families who participate. Sadly, our own experience leads us to conclude that this vital responsibility may be left tragically unattended even by those sponsors with long histories and fine reputations. We have suffered terrible loss; we implore you, as directors of study-abroad programs, to reevaluate your programs to insure that the highest priority is placed on life safety as you go forward. We want you to remember our daughters as well as this hellish nightmare which we now live. You are accountable!

May 27, 1996

Virginia and John Amato, Metairie, Louisiana

Karen and Ken Druck, Del Mar, California

Anne and Charles Schewe, Amherst, Massachusetts

May 31, 1996

via fax: 412-624-1150

Mr. Mark A. Nordenberg
Interim Chancellor
University of Pittsburgh
107 Cathedral of Learning
Pittsburgh, PA 15260

Dear Mr. Nordenberg:

We are the parents of three of the young women who lost their lives in that tragic bus accident in India on March 27 while participating in the Semester at Sea program sponsored by the University of Pittsburgh. We have concluded that our daughters would expect us to do whatever we could so that similar tragedies might be avoided in the future. We have commenced this process by writing the statement enclosed.

The context for this statement is a conference for university administrators of travel abroad programs to be held in Phoenix beginning next Monday. Because of the interest that these administrators have in the avoidance of tragic events during study abroad programs, we were asked if we would provide a statement for the conference participants.

You will note in our statement that we have many unanswered questions regarding the accident and the events leading up to it as well as whether any independent safety audits have been conducted of the program, including travel by road at night. We ask you to have these questions answered for us. We also ask you to provide to us copies of any reports on this accident furnished to you, to the Board of Trustees of the University, or to the Board of the Institute of Shipboard Education.

We share this statement with you in the hope that your institution will take the leadership in conducting the necessary safety audit and program modifications. It is our fervent prayer that other families who have entrusted loved ones in your care can be spared the immeasurable loss which we are suffering.

Very truly yours,

Virginia and John Amato
Karen and Ken Druck
Anne and Charles Schewe

encl.

cc: Mr. J. Wray Connolly
Dr. John P. Tymitz

May 31, 1996

via fax: 412-624-9147

Mr. J. Wray Connolly
Chairman, Board of Trustees
University of Pittsburgh
159 Cathedral of Learning
Fifth Avenue and Bigelow
Pittsburgh, PA 15260

Dear Mr. Connolly:

Enclosed is a copy of a letter which we have sent today to Interim Chancellor Nordenberg. We request that you share this correspondence with each of the other members of the Board of Trustees of the University of Pittsburgh at the earliest opportunity.

Very truly yours,

Virginia and John Amato
Karen and Ken Druck
Anne and Charles Schewe

encl.

cc: Mr. Mark Nordenberg, w/o enclosure

INSTITUTE FOR SHIPBOARD EDUCATION

811 William Pitt Union / University of Pittsburgh / Pittsburgh, PA 15260
800-854-0195 / 412-648-7490 / Fax 412-648-2298

July 8, 1996

John and Virginia Amato
604 Hector Avenue
Metairie, LA 70005

Dear Mr. and Mrs. Amato:

I am writing to update you on the most recent information we have available regarding the bus accident in India during the Spring 1996 Semester at Sea. The details we have been provided do not differ significantly from those which we have had and previously communicated to you. We do, however, wish to keep you closely advised, to let you know of some of the steps we are taking and to clear up some possible misinformation.

Status of Accident Investigation

> We have, on an ongoing basis, been communicating with the U.S. State Department in New Delhi, as they have seemed to be able to access information more easily than we or other private entities. Unfortunately, gathering information in India is a very slow process, which is frustrating to those of us who are more used to dealing with information gathering in the United States. The consular section of the State Department in New Delhi has provided us with the following information.
>
> The District Magistrate in the Mathura District (the District in which the accident occurred) has requested that the State Department provide the court with copies of all communications with the police so that the court can check on the progress of the legal proceedings concerning the accident.
>
> On April 19, 1996, the bus driver appeared in court and provided his version of the accident. He apparently said that the high beam headlights from an oncoming truck blinded him and he could not see the curve in the road where the accident occurred. He said he was therefore unable to negotiate the curve, which resulted in the accident. He said that he was not driving too fast, had not been drinking and was not overly fatigued.
>
> The driver has been released on bail of 10,000 rupees (approximately US $300.00) and the case has been continued to some time in the future. The police in Mathura District have requested that the State Department provide them with the names of witnesses to the

accident to present evidence in court. There were apparently no witnesses at the site, and thus the local police will request the State Department to provide the names and addresses of those on the bus. Once the police gather testimony, they will submit it to the Magistrate, who will then compare it with the testimony of the bus driver to decide if there is enough evidence to bring charges against the driver. The Indian legal process would ultimately require that witnesses appear in court in India to enable cross-examination. The State Department has given the opinion that since the driver was seriously injured and has a family, he is not a flight risk, which is why he has been released on bail. This legal process will most likely take years.

We have been provided no information which differs from, or adds to, the information provided by the State Department. We think the fact the ISE employees responded on site immediately after the accident has meant that the information we had at that time, from those on the bus, is the most accurate information available.

Frequently Asked Questions About the Accident

ISE has had communication, on an ongoing basis, with many parents of students who were on the bus at the time of the accident. I wish to summarize below the information we have given in response to frequently asked questions, and, hopefully, to clarify some misinformation which some of you may have had.

a. The decision to change the itinerary to include the bus trip was made by the tour agent, with whom we work in India, because he learned that the airline had over-booked the flight that was to have taken the students from Varanasi to Agra. ISE has worked successfully and safely with this tour agent for many years, and had no reason not to rely on their judgement and arrangements.

b. ISE follows closely a variety of sources of information dealing with safety around the world, including information from the U.S. Department. ISE had no prior information that indicated that the road on which the accident happened was not appropriate for bus travel as was arranged.

c. It has been said that ISE thoughtlessly requested "$3,000 in the middle of the night" from parents of the deceased to cover expenses to repatriate the bodies of the deceased. In fact, those calls were made by the State Department, unbeknownst to ISE, as part of State Department standard operating procedure. The State Department takes complete control over the remains and possessions of U.S. citizens who are killed abroad. If ISE had known the $3000 was to be requested, ISE would, as a courtesy to those families and to spare them further anguish, have made such payments. ISE did, in an effort to demonstrate our concern and sympathy, reimburse those families for such amounts.

d. This tragedy has deeply affected the lives of ISE staff. We live with this daily and, while we did not lose family members in the bus accident, the students who were lost and injured are of great concern to us. It has been reported that we have been either "complacent" or "arrogant" in our response. We can only assume that is because, as information has been difficult for us to get, we have sometimes had difficulty communicating it as quickly as some of you would have liked. I wish to reconfirm to all of you our deep care and concern for each and every student that has participated or will participate in Semester at Sea. The program is our great love, and we take immense pride and joy in offering it. We would do nothing to compromise the safety of any one of the students who travel with us, and we feel deeply the loss and injury of those involved in the bus accident.

e. It has been said that injured students were not accompanied by adults when they were brought to hospitals in India. This is not accurate. Three ISE staff members were on site assisting with the coordination of hospitalization, and transferring students to the best hospital available in the area. We immediately sent the shipboard physician and the Administrative Dean to the accident site. I personally traveled to India to help facilitate medical and support service to the injured students. In addition, the tour company and the U.S. Embassy had representatives providing assistance.

Indian Attorneys

We enclose, with this letter, a list of attorneys which has been provided to us by the U.S. Embassy and other sources of attorneys in India who should be competent to bring an action in the appropriate forum against the bus company, if you are interested in doing so. We have no personal knowledge of such attorneys of their competence. We are advised that any such claims must be filed individually, and that ISE cannot file a claim on your behalf.

We are advised that the statute of limitations in India provides that any action involving a motor vehicle must be filed with six (6) months of the date of the accident. Thus you should be sure, if you wish to file an action, that it be done within that time frame.

We have advised you in previous correspondence that the bus company is insured by the General Insurance Company of India. We are advised that the name of the company which owned the bus is Apollo Travels. We understand that the parent company may be Adarsh.

As any claim in India is unlikely to be resolved quickly, it is perhaps advisable that you look to your own accident and property loss insurance as your first avenue of reimbursement. That insurance company may then seek, as a matter of subrogation, recovery from the Indian bus company and its insurers.

There has not been a day since the accident that we at Semester at Sea have not thought of you. We are willing to answer any questions, for which we have answers, and to continue to be of assistance in whatever way possible. We continue to put safety first in our program and assure you that we will always take all necessary steps to ensure the safety of participants in Semester at Sea.

Very Sincerely Yours,

John P. Tymitz

John P. Tymitz, Ph.D
Executive Director

CONSULAR SECTION AMERICAN EMBASSY NEW DELHI INDIA

Selected List of Attorneys in the CONSULAR DISTRICT OF NEW DELHI

(As of July 1994)

The American Embassy at New Delhi assumes no responsibility for the professional ability or integrity of the persons whose names appear in the attached list. The order in which the names are listed is alphabetical and has no other significance.

All the lawyers listed are advocates of the Supreme Court located in New Delhi and are authorized to practice before the courts of the country.

The New Delhi Consular District includes the Union territories of Delhi and Chandigarh and the States of Haryana, Punjab, Himachal Pradesh, Rajasthan, Uttar Pradesh and that part of Jammu and Kashmir under the de facto rule of the Republic of India.

Credit reports can usually be obtained through banks or through commercial reporting agencies. The Citibank of New York and Bank of America have branches in Bombay, Calcutta, Madras and New Delhi. American Express have branches is New Delhi, Bombay and Calcutta and has representatives in all the main cities of India.

UNION TERRITORY OF DELHI
(CAPITAL: NEW DELHI)

(CIVIL MATTERS)

NEW DELHI

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Bhasin & Co. is a law firm that undertakes work of both solicitors and advocates. The firm has a branch office in Bombay. In addition, we have a number of correspondents outside Delhi with whom we work in association. The firm also renders legal advice to its clients abroad and attends to their legal problems in India.
They are willing to handle the following cases for U.S. citizens: adoptions, civil damages, govt. relations, taxes, foriegn claims, insurance, labor relations, child custody, estates, marriage/divorce, corps., investments, marketing, patents, and immigration
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Report on the March 26, 1996 Accident on the Delhi to Agra Road

Nathaniel Waring, Cox & Kings

This report will provide a context for understanding the process undertaken by the ISE to plan and operate a tour for the group of SAS students who traveled in India on the tour known as MAD 13 and who were involved in the fatal bus accident of March 26, 1996 on the Delhi to Agra road.

I will look into the following areas:

1 The process of planning a tour itinerary such as choosing a 'local' operator/agent as well as other service providers such as hotels, guides, modes of transport, etc.

2 The process of amending travel arrangements due to availability and unavailability of required arrangements and the final size of the participants on an itinerary.

3 Finally, the process of operating the planned travel arrangements.

My qualifications to discuss this long and involved process is the following:

I have worked full time for Cox & Kings, a tour operator specializing in arranging travel within India for foreign travelers since 1987. Cox & Kings has been in business continually for 240 years. Prior to joining C&K I graduated from Stanford University where I wrote my undergraduate thesis on US-Indo relations since 1947, I worked for three months in the summer of 1985 at the Indian Desk of the US State Department and spent three months during the summer of 1984 traveling through India while funded by the Stanford University Dept. of Anthropology. During that first trip to India I traveled in a private car from Delhi to Agra and back in one day.

I joined C&K in the UK offices as a tour manager and the copy writer for our promotional brochures. While I was a tour manager I traveled to India more than 6 times in two years and accompanied groups of UK travelers to India. During these trips I traveled on the Delhi to Agra road only once by bus during the day. In 1989 I came to the US as part of the C&K team to open a USA sales office. I took over the operation of this office in 1990 and since then have been the manager of the office. My title is currently President of Cox & Kings. Cox & Kings organizes travel arrangements for between 800-1200 Americans to India per year. I have traveled into India over 34 times, have visited new Delhi on every one of these tips and have visited Agra 11 times, twice by road from New Delhi and the remaining times from different cities or by train.

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During my tenure of the last 8 years as the Manager and President of Cox & Kings and in addition to my duties of running the USA office I have lectured on travel to India on numerous occasion including to groups of travel agents at ASTA, GIANTS, and API meetings. I have also lectured on travel to India to Students at the NYU Business School and the NYU Graduate Program in travel and tourism. I have also acted as a consultant to a number of films shot in India including a National Geographic film on the Indian traveling Circus.

With specific reference to the ISA I have also corresponded with Dr. Wright by letter and telephone call regarding our bid to have C&K act as the ground agent in India. C&K never won this bid in two successive years of bidding.

Planning, setting up and operating a tour is a lengthy process. This process takes years as admitted by Dr. Jill Wright at the ISE (Institute of Shipboard Education) who originated the itinerary planning for the MAD 13 tour 12 (ck) months prior. The reasons for this lengthy timetable are numerous. On the selling side organizations such as the ISE need to plan itineraries to include them in their literature, syllabus, etc months ahead of the dates of travel. Of relevance to understanding this process from the operations side is the great amount of time required to plan and book arrangements to ensure availability of the desired services.

The vast majority of tourists who travel to India from the USA travel during the dry winter season which extends from the end of September through the end of April. The monsoon period in India though variable by geographic region generally extends from June through September. It is a period of high humidity, heavy rainfall, and heat and is generally avoided by tourists. Additionally late April and May are avoided as it is the hot dry season where temperatures in Northern India and especially in Delhi and Agra can reach into the 110-120 range. Because of this extreme climactic seasonality and the fact that most visitors are in India during the 6-7 months of Fall/winter hotels, flights and other arrangements tend to be heavily subscribed and often sold out. To be able to successfully operate an itinerary that had 50-75 participants would require blocking of space much ahead of time. It is not uncommon for hotels to be sold out 1 year ahead of time or an airline request especially for a large group to be wait listed 6 months or more ahead of time.

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From the written testimony of Umi Menon he admits that the flight proposed for MAD 13 from Varanasi to Agra scheduled for March 26, 1996 was placed on the waitlist at the time of the initiation of the reservation request by Kwik Travels to Indian Airlines in December, 1995. He states that he had every reason to believe from past experience that this waitlist situation would eventually clear closer to the date of travel and that he felt no need to make alternative travel arrangements. I find this supposition to be unbelievable from my experience as an organizer of group travel in India. In my opinion a waitlisted group of 60 seats on a flight scheduled to be operated on a B-737 on a sector which has only one scheduled flight is unlikely to clear closer to the time of travel. It was Menon's statement that he believed that Indian Airlines may operate a second flight for that sector. This is unbelievable as well as Indian Airlines has an admitted shortage of aircraft. I have never seen IC place an additional flight on this sector.

It would have been my advice that the best alternative mode of getting from Varanasi to Agra once it was apparent that the Varanasi to Agra flight was not available for MAD 13 was to fly from Varanasi to Delhi and to overnight in Delhi and to take the early morning express train to Agra. (The Shatabadi Express train runs a daily train which leaves Delhi at 0600 and arrives into Agra 0815.). It is important to note that this would have entailed a higher cost as the Delhi hotel cost is higher than the Agra hotel cost and the train tickets are more expensive than the bus cost which is divided among 30 travelers.

I may also add that this alternative is one that is very frequently put into operation by many tour operators as the Varanasi to Agra flight, IC 408, is very often canceled or it overflies Agra due to flight delays during the winter months. C&K faces on average 4-5 instances per year where we have a group on IC 408 and the plane does not land in Agra and continues to Delhi. We are then forced to make alternative arrangements to get our passengers from Delhi to Agra and to continue on their planned itinerary. Our normal recourse in this situation is to overnight in Delhi and reserve seats on the Shatabadi Express train.

In discussing this timetable of planning, booking and operations it is clear that that it is a logistically complicated process. It is also clear from the testimony that two different schedules affect this process. One is the schedule of bookings. On MAD 13 as well as all of the tours offered by ISE to students on SAS, students sign up for tours while at sea a number of months/weeks ahead of the proposed travel. The second is the schedule of operations where hotels, airlines and local operators have requirements for deposits, name lists, payments, etc. In the end it becomes a continuous process of revision and amendment trying to match the different timetables of these two processes and reaching to the final stage of operations when a tour departs.

The client or end user of these services, in this case ISE and Dr. Wright faces many choices in the progression of this scenario. In most cases the end user will rely on an agent or land operator or ground operator to manage these logistics. This operator then also sub contracts part of these logistics to other suppliers, and agents. This is normal in this business. What is apparent from the testimony of both Dr. Wright and Mr. Menon is that this process had no system of checks and that the end user was relying on a supplier who was himself distanced from his sub contractors.

A cursory investigation by the ISE into both the qualifications and the credentials of the land operator, in this case Spectrum 'would have indicated that Spectrum may not have been very well positioned in India to handle the logistics as outlined above.

In selecting a land operator a number of issues are critical. One is the cost of the services. As in any business a lower priced bid has merits over a higher priced for the same package of goods and services. Of equal importance in my opinion is the ability of the land operator to provide the promised services. This is especially true in a country such as India where the infra-structure is commonly known to be vastly inferior to many other countries and subject to the strains of seasonality. Finally of importance as well is the ability of the land operator to provide alternative arrangements at short notice.

It is clear from the testimony of Umi Menon and from my knowledge of the business that Spectrum was not qualified on the latter two points. Spectrum Travel has one employee and relied on a sub contractor, Uday Tours in Delhi who in turn relied on yet another sub contractor to issue tickets, and who relied on yet another subcontractor in Agra to look after the SAS students. This sub-sub agent was Sunil Gupta of Travel Bureau Agra. In reading the testimony it is clear that Dr. Wright did not ask any questions of Spectrum pertaining to Spectrum's infra-structure within India. While it is not inherently and necessarily true that a network of sub-agents cannot perform the logistics of tour operations adequately or even well, it is in my mind inherently obvious that if such a network of sub agents exists it is in the interests of the end user to be aware of this network and the various responsibilities born by the different agents.

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Mr. Menon has admitted that he made a mistake of ignorance when he stated that Uday Tours was a "ticketing agent". Mr. Menon admitted that during the operation of MAD 13 he had no idea of the existence of Kwik Travels as the designated sub agent to Uday or no idea that Apollo was the operator of the coaches scheduled for use on MAD 13. Certainly one can infer that Dr. Wright as well had no knowledge of these agents and their respective roles in the operation of MAD 13.

I find this lack of awareness to be incomprehensible. In my dealings with clients similar to ISE (groups or associations in the USA who promote tours within India) it has been my experience that clients demand to know what our operation is like within India. In all of our literature we explain our network of wholly owned offices within India and our ability to chose service providers based on experience and evaluation.

I also find it difficult to believe the testimony of both Dr. Wright and Mr. Menon regarding their perception of the safety on road travel within India and most specifically of travel by bus on the Delhi to Agra road after sunset. One of the biggest considerations of our clients who are planning to go to India or to promote India to their clients is the question of safety of travel within India. It is also one of the most important considerations of our staff at C&K in planning a proposed itinerary to look at the relative safety/danger aspects of it.

C&K has a clear policy to not use major trunk roads after nightfall in any planned itinerary. In the few cases where C&K clients do drive on road after nightfall it is because of last minute schedule changes and only upon the insistence of clients because the alternative may be missing a city or a flight later on. In these cases our local offices explain that road travel within India is dangerous, and more so than in other countries such as the USA. It is also the policy of C&K not to use the Delhi-Agra road during the day as well. In the case where we have a client who insists on going from Delhi to Agra or return by road we let him know that this is against our recommendation

It is clear from the testimony of Dr. Wright and Mr. Menon that Dr. Wright relied upon and trusted the judgment of Mr. Menon to operate the ISE tours in India at the levels expected by ISE. It is further clear that this judgment was based not upon objective evaluation of Spectrum Travel but rather on past experience and a long-standing relationship and acquaintance. However the past experience in question was the expertise of a different travel company in India, namely Trade Wings and prior to that SITA. It is my opinion that this judgment was not warranted by the actual set up of Spectrum in India, and ultimately was part of the influence of events that led to having the SAS students on a coach on the Delhi to Agra road after nightfall.

When Dr. Wright asked Mr. Menon during their telephone conversation regarding the inability of Spectrum to obtained confirmed tickets for IC 408 if there was any alternative to the proposal laid out by Mr. Menon (flight to Delhi followed by an evening/night drive to Agra) Mr. Menon replied "not really". In fact there was a better alternative that I discussed above, albeit at a higher cost. It would be sad to learn that the decision to use the Delhi to Agra road at night was based solely on cost. Surely no student, or student's family would have objected to paying more money for an alternative which was clearly safer and readily available.

Anthony Weller

DRIVING CONDITIONS OF THE GRAND TRUNK ROAD, INDIA

The following Expert Report, in providing a context for the March 27, 1996, accident on India's Grand Trunk Road, takes into account several fundamental areas of inquiry. These are:

a) background explanation and description of the road

b) road and driving conditions in India in general;

c) road and driving conditions on the Grand Trunk Road both day and night, and on that 120-mile part of the road from Delhi heading south to Agra, where the accident in question occurred;

d) an examination of whether an accurate assessment of the danger level of such road conditions is readily available outside India;

e) an exploration of what the various sources of information on Indian road travel which were readily available in the United States, in the few years before the Semester at Sea journey in question took place, had to say about the Grand Trunk Road;

f) an assessment of what alternate modes of travel there were at the time, given the unavailability of plane seats.

This Expert Report, therefore, attempts to address the question of whether, in light of reasonably accessible travel information, the decision to send students on the Grand Trunk Road, by bus, at night or even by day, was -- given the extreme nature of Indian roads and drivers in general and of that road in particular -- an irresponsible one.

My qualifications for writing this Expert Report are these:

In August 1997 my travel book Days and Nights on the Grand Trunk Road appeared (Marlowe & Co., New York, 383 pp.) This work is a narrative of my 1500-mile journey by car from Calcutta, in eastern India, northwest up the Grand Trunk Road, across India via both Agra and Delhi, then across Pakistan and through the Khyber Pass to the Afghan border. The book is a result of several journeys I made along the Grand Trunk Road between 1991 and 1996. (I first visited India as a journalist, and traveled along that road, in 1984.) In my research I traversed parts of the road once, other parts twice, and some parts three or four times. Thus I am, I believe, the only U.S. journalist to have traveled the Grand Trunk Road -- one of the most perilous roads in the world -- in its entirety. Former U.S. Ambassador to India, Frank G. Wisner, in praising the book as "instructive... and illuminating," wrote recently: "I recommend [it] to any reader -- from a newcomer to the subcontinent to an informed scholar or commentator." (July 15, 1997)

My professional background is the following: I began my career as a journalist in 1982, soon after graduating from Yale University. I have worked entirely as a freelance reporter for magazines, specializing in travel articles with an emphasis on foreign politics, social, and cultural issues. I have written over 140 feature articles for GEO (U.S., French, & German ed.), National Geographic, Condé-Nast Traveler, Forbes FYI, New York, Smithsonian, Travel & Leisure, The New York Times Magazine, Vogue, G.Q., Portfolio, Merian, Pan, Delta SKY, TWA Ambassador, Travel Holiday, European Travel and Life, Gourmet, Merian, and numerous other periodicals. In 1993 I was awarded a Lowell Thomas Medal for Excellence as a Foreign Correspondent.

In connection with these articles, I have traveled widely in many parts of the Middle East and Asia, Europe, the South Pacific and the Caribbean. Thus, my perspective on the road conditions in India in both my book and in this Expert Report is derived from first-hand comparisons with road conditions I have personally experienced in Egypt, Oman, Syria, Jamaica, Dominica, Guatemala, Mexico, Italy, Morocco, Tahiti, New Zealand, France, Spain, Cuba, England, Poland, Switzerland, Yugoslavia, Burma, Malaysia, Fiji, Thailand, Dubai, Indonesia, Pakistan, Abu Dhabi, Jordan, Bahrain, Turkey, Cyprus, Israel, and Greece, among others.

Of all these, Indian roads are the worst maintained, the most lawless, uncontrolled, and unpredictable, the most dangerous I have ever witnessed. The Grand Trunk Road is the most extreme and the most risky in this regard. The reasons for this are manifold and substantial, and will be detailed later.

My secondary knowledge of Indian road conditions described in this Expert Report is derived from the very extensive research behind my recent book mentioned above. There is probably not much about the Grand Trunk Road that, at this point, I have not read.

With respect to the road conditions examined herein, my principal research sources outside my own extensive experience are the following:

Numerous books, principally non-fiction travel narratives about India similar in journalistic approach to mine, published in the 1990s, with relevant material on road conditions; likewise a 1995 large-format book of photographs of the Grand Trunk Road by one of the most highly regarded photographers alive. Further, several articles by experienced journalists appeared in the years 1990-5 about the Grand Trunk Road, and these similarly explore the issue of road conditions and hazards. Such first-rate and high-profile books, photos, and articles have relevance to the case and I draw from them.

Quite a few travel guidebooks to India, or to specific parts of India, are easily available in the U.S. I quote from several of these, all published well prior to the accident, as well as from the reports of several travel advisory specialists. One very significant question I will explore is whether the many serious dangers of Indian roads are apparent and even highlighted in the copious guidebook and advisory literature available prior to 1996 in the United States and Europe.

Lastly, I also draw on the considerable amount of serious analysis done by experts in the field of road safety within India. India, despite its reputation as a backward country, is on a governmental and "official" level extremely aware of its highly treacherous roads, which (measured by various quotients) are from ten to twenty times more dangerous than those of the U.S. Thus there exists an abundance of expert and detailed studies of these problems and conditions, extensive statistics and tables of data, plus the transcriptions and reports of numerous symposia and seminars, etc. Anyone wishing to measure the risk of being on India's roads could draw from these, just as I have in citing relevant facts and figures about Indian roads in these pages.

For the sake of brevity, from here on I will frequently refer to the Grand Trunk Road as the "GT".

I. The Grand Trunk Road -- Background

The GT is about thirty-five centuries old, and has been the principal route across the subcontinent for countless generations of invaders, traders, holy men, wayfarers, and pilgrims. It in some sense the Route 66 of India, but is still its busiest and most important highway. It links the central capital, Delhi, to the cities of Calcutta, Benares (a.k.a. Varanasi), Allahabad, Agra, Kanpur, and Amritsar. The GT also passes through thousands of lesser towns and virtually forgotten villages where it is literally the main street, passing through and dividing one side from the other.

The ancient GT, also known as the Sher Shah Suri Marg, was repaired by the Moguls in the 16th and 17th centuries and later fell into disrepair. The British lavished considerable care and expense on restoring it in the 19th century and keeping it paved right through the Indian independence a half-century ago (1947). This history of repair or great disrepair, maintenance or non-maintenance, is necessary to understanding its severe and unreliable condition now.

The British spent one hundred fifty years clearing the road, planting shade trees, widening it in places, propping up the embankments that often line both sides, and paving it. The main railroad line of northern India, British-built, follows the GT like a shadow; commercially the two are still mutually dependent, crossing the vast plain of the Ganges River. Nowadays the road is dominated by a large proportion of India's one million trucks, careening down it as fast as possible both day and night in a constant, deadly battle for position.

II. The Grand Trunk Road -- Description and Conditions

It is difficult for someone who has never been to India to accurately visualize what roads there, the GT Road specifically, are like. The most important National Highway in India does not actually resemble what most of us think of as a "highway"; it resembles what an American might call a broken country back road. There are potholes literally everywhere. It narrows and widens constantly without warning. It is for the most part badly paved at best and often no longer paved at all where the British paving has worn away (with the exception of a few brief stretches near the capital or on several modern bridges.) It is also often used by villagers for other purposes: drying dung cakes or harvested corn stalks, by children as a playing field, etc. These villagers will often erect their own "speed breaks" with bad results.

The GT is utterly vulnerable to the long monsoon rains and punishing heat of about six months each year. The heat bakes and cracks what paving is left, which the constant heavy and diverse traffic whittles to dust; then the torrential rains come along and make it all into a thick mud which the relentless traffic renders even more uneven and which often becomes impassable before it is eventually, cheaply, and inadequately re-paved.

The British Empire, in a perpetual war with the climate, lavished huge amounts of money and manpower on trying to keep up the road; the Indian government for fifty years simply hasn't had the resources to do so. Repairs, when they are made, are done to render a particularly difficult patch passable for that moment, and are done in the Indian spirit not of rectifying a problem long-term but of just making it surmountable for a few days. This is partly because it is in many people's interests to find meager work for many, too many, hands -- rather than solve a problem once and for all.

The GT is, however, carrying the dense traffic of the most important road in the subcontinent. This means predominantly a stampede of six-wheeler, two-axle trucks, which in another country might be termed very large lorries. In design they are somewhat top heavy, and they are invariably overloaded. The legal limit is ten tons (truck and cargo together) but most carry at least five to seven *extra* tons of cargo since the truckers are paid by the ton. (As truckers get fined for lateness, they are trying desperately to keep to very difficult schedules.) At weigh stations or when stopped by police along the way, a bribe of several hundred rupees allows the overloaded truck to go on.

As many drivers pointed out to me, this constant overloading is one important reason that there are so many truck accidents on the GT. The hysterical nature of Indian traffic and roads means that trucks are constantly swerving to avoid a collision, and a truck overloaded by 50% or 70%, in swerving, goes out of control far more easily than one loaded only to the legal limit. Whenever a truck overturns, there is the added danger of its cargo -- say, coal, concrete blocks, wood, metal pipe links -- spilling and flooding the road.

Another frequent and related problem with trucks is that from this extra weight an axle may easily break without warning, and then the truck overturns. Trucks may also, through ingenious repairs, be kept on the road thirty or forty years -- long after they are, in safety terms, unsound. The same is true of tires, which are often overused to the point of baldness. The trucks rarely have reliable hand brakes -- because of this, one often sees the tires blocked with large rocks when the truck is parked at a dhaba (truckers' roadside rest areas) -- and government reports over the last ten years repeatedly assign many truck and bus accidents to faulty brakes. As there is no stringent policing system of tire and brake condition by the authorities, it is up to the owners of the trucks -- who are often not the truckers themselves -- to take the expensive initiative of repair.

These government reports also (correctly, in my experience) lay blame on the fact that "rarely does any heavy vehicle have effective brake lights. The vehicle behind the heavy vehicle has to be intuitionally driven because there is no indication the truck or bus ahead is going to stop, slow down or turn." (Report of the Working Group on Roads, Government of India Ministry of Surface Transport, 1989; paper given by Anil Chotmarada).

For any traveler, a secondary problem which makes the road extremely unpleasant is the carbonous black smoke of trucks, the awful fumes that can leave anyone feeling they need antibiotics after only a half hour, aided and abetted by coal smoke and residue from brick kilns, steel mills, textile factories. The air along the Grand Trunk Road is some of the worst in India, due to the pell-mell density of vehicles.

India is, of course, a land of many rules and regulations, with a deep love of the bureaucracy of law. It should be clearly understood that in the area of road safety, these are not enforced. In a country where most people, even civil servants, routinely earn a few hundred dollars a year, a modest bribe can undo many hindrances.

Thus, thanks largely to the truckers, the road is like a deadly video game in which obstacles and other vehicles come at you constantly. Lives, trucks, valuable cargos are risked to gain a few feet's advantage over others, since speed of delivery is of the essence. (The same mindset rules bus drivers.) Heavily overloaded trucks swing out to pass even if more trucks are careering out of control at them from the opposite direction. The usual pattern on the GT -- and indeed on all the busy National Highways -- is one truck in the correct, left-hand position and two more passing it on the right, jockeying for position while other trucks charge straight at them at top speed; but often there may be another vehicle trying to pass on the road's left or right shoulders as well. The GT, most often two unmarked lanes narrow, is always treated as if it were several lanes wide, and is most aggressively fought-for in a non-existent middle lane of trucks coming headlong at each other.

This hell of overloaded trucks jousting against one another makes up most of the GT's traffic, in which all lesser vehicles battle to survive. Apart from trucks, the only other substantial vehicles going any distance on the GT are local buses, which (depending on the model) carry either twenty or thirty-five seated passengers inside and as many seated illegally on top and often another dozen clinging precariously to the outside and at least another twenty standing inside. It is notable that compared to daylight hours, relatively few such buses operate after nightfall on the GT (or indeed on any major route) because such roads in darkness are considered much too dangerous.

The buses are the only vehicles large enough to challenge the trucks, apart from the tankers which carry oil, gas, milk, chemicals, etc. The other vehicles are highly varied and thus represent another danger of the road simply because they are not trucks, and being often slower and always smaller, are hence a serious interference to the trucks. These are predominantly motorcycles, tractors, bicycles, bicycle-rickshaws, motorized rickshaw vans (i.e. used for cargo, not passengers); tempo-taxis (a strange amalgamation, rather like a very large elongated motor-rickshaw); tongas (horse-drawn wooden carriages) and smaller ekkas (horse- and pony-carts) used for passengers or cargo; wooden oxen-carts, scooters, motorized vans or the occasional tourist bus; and animals, singly or in herds -- most often elephants, water buffalo, camels, bears, pigs, goats, wild peacocks, and oxen. The infamous sacred cows often have a knack for wandering along the middle of the road. Despite drivers' desperate efforts to brake suddenly, their willingness to be in any accident rather than injure a sacred cow, they may end up as food for the watchful vultures just as easily as the many doomed stray dogs.

One result of all this motley activity is that the road is less a highway of trucks and buses than a highway of all manner of Indian life, and to weave through its daredevil variety of traffic consumes a great deal more concentration in a driver than would a Western road bearing only a limited range of vehicles.

Outside of cities or towns, when the GT splices into a village, a lot of the road traffic will suddenly consist of village-to-village movement, either on foot or by simple means (animal-drawn carts and wagons) as goods are carried to market. There are also very often wayfarers walking along the edges of the road or even trying to cross it, who are at the cruel mercy of every other form of transport.

There are very few private cars on the Grand Trunk Road, or indeed going any distance in India, as "petrol" is in local terms considered quite expensive. People take local buses, or to go longer distances, trains.

In many parts of the Grand Trunk huge ditches run along either side, resulting in a number of otherwise avoidable wrecks when a truck or bus, in swerving to avoid a collision, goes off the road and topples in and flips over or hits something. These ditches are constantly weakening the road itself from both sides and from below when the rainy season hits. The GT also runs for much of its length through farmland which, being watered on both sides, and sometimes flooded, weakens the sub-structure of the GT. There is also the constant problem of drainage after rain; often the drains are blocked by garbage. The GT is known to simply collapse in places without any warning, along its sides, at any time of the year, as a result of these insidious attritions and their makeshift repairs.

At different times in my own journey I counted the remnants of accidents (usually smashed-up buses and trucks) and arrived over the course of my 1500-mile odyssey at a constant rate of one every two kilometers. They were the most frequent, of course, in the busiest half of the road, from Benares through Kanpur, Agra, and Delhi. It was therefore not surprising to me that every Indian with whom I discussed my project -- traveling the length of the GT -- looked aghast at the prospect and told me it was a terrible idea, that surely the road would kill me. No Indian, of the hundreds with whom I talked, not one, had any illusions about the safety of the GT.

The actual road is therefore suffering under constant attack from weather and a near-total lack of effective maintenance, due partly to the fact that traffic along it has grown at the rate of 10% annually for some time. It also suffers from an overwhelming and particularly Indian tendency towards disorder.

There are (with only a few brief exceptions) no dividing barriers on the GT. The result is that a road barely wide enough for two lanes of traffic most of the time -- one in each direction -- has instead a chaos of trucks sometimes three or four abreast, all vying for position, trying to overtake, hurtling straight at each other, and most dangerously crossing from lane to lane regardless of what direction it or they are going in. There are no lane markers either. Thus there are effectively no lanes: there is only a struggle for speed and position.

Were there dividing barriers so that a lane of traffic was really forced to only go in one direction -- as on the Grand Trunk Road in Pakistan -- then the Indian roads would all be considerably safer.

There are other crucial safety elements missing from the GT -- and from Indian roads in general -- besides lane-dividing barriers. There is no speed-measuring radar, no "traffic cops" to regulate traffic speed or to wave traffic around obstacles or particularly bad areas of the road or even put up warning markers which might indicate those problems. Instead there are only police or army checkpoints here and there along the GT, whose main function is to extort bribes from drivers. Once a bribe has been paid, for example due to the overloading of the truck, the driver is then given a chit which he can show to other police further up the road -- so he can continue in his illicitly overloaded state until he unloads at his destination.

Other aspects of road conditions which we take for granted [redacted] do not obtain in India. Quite a few road signs in India are verbal (i.e. non-pictograph) and written in English, which very few of the truckers or other drivers can read. (Literacy in India is only around 52%, in any case.) When it comes to pictographs, one Indian government study found that only 31% of drivers knew the meaning of road signs; the same study determined that 28% of Indian road signs were also wrongly placed.

There are no street or highway lights of any sort on the GT to aid with night driving outside cities or large towns, and even there they are irregularly placed and irregularly functioning due to frequent power blackouts. There are rarely barrier-gates to shut the road down when it crosses over the tracks of the main railway line, which it does many times, and most such level railway crossings are unmanned. Often there are no warning signs that a level railway crossing is even being approached, and no lights indicating it at night. As a result there are often accidents when traffic gets caught on a crossing by a train.

There are still very few seat belts in Indian cars, using them is not a habit, and they are almost totally unknown in passenger buses. There are few hospitals along the roads between

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cities in the event of serious accidents and in any case no ambulances to bring the injured in or on-call transport to bring a doctor to them. "There is no clear-cut agency," according to a government transport study, "... for lifting accident patients to hospitals." Police rarely have even basic first-aid equipment.

There are other risks in the event a hospital is reached. The truckers of the GT are one of the prime mediums of the spread of AIDS through India, via the prostitutes along the way. As a result India now has more HIV carriers than any other nation; the rate is ten times higher among truckers than in the normal population, perhaps as much as three in ten. The rate of HIV infection in India's general blood supply has been estimated at anywhere between one-fourth and two-thirds. As a result of these infected truckers and their equally infected prostitutes, the blood banks of hospitals along the GT should be considered particularly deadly. (This situation has been amply written about in August, 1995, by John Ward Anderson for The Washington Post.)

There are, likewise, no breakdown services to help with repairs and hence no one professional to call for mechanical assistance in the event of an accident; thus a breakdown often involves someone walking a considerable distance to find a mechanic, and delays can be not hours but days even with a minor mechanical problem.

There are also no "state police" to call or look to for assistance. And because Indian locals who live on the road are used to seeing serious accidents, and often stripping an injured vehicle of valuables, the locals are often extremely reluctant to help the injured in an accident. (This was, sadly, the case at every accident aftermath I witnessed during my journeys. One case in point was a truckload of animals being driven to market; the local populace was more concerned with the free meat that had appeared than with the drivers who needed a hospital badly.)

Part of the reason for this is that accidents often escalate in the aftermath into fights and violent melees, so there is ample reason for locals not to get involved. (As The Rough Guide: India states, "If you have an accident... leave the scene quickly and go straight to the police to report it; mobs can assemble fast, especially if pedestrians or cows are invólved." -- p. 32) At the accident site in question several surviving Semester at Sea students who extricated themselves from the overturned bus "ran to the road to seek help and not one car or bus would stop." (letter of Amy C. Pangman; August 9, 1996)

Traffic jams, which are a frequent if different hazard of the GT, and which can often be many miles and hours long, can also produce high-energy argument and outbreaks of violence between frustrated drivers. Naturally, such fights can escalate with passionate and deeply rooted Hindu-Muslim-Sikh tensions, for truck driving, always a macho and tense profession, is one of the few that admits people with less regard to their religion or caste than most in India.

The famous shade trees along both sides much of the Grand Trunk, many dating back several centuries, are essentially a deadly obstacle for any vehicle that loses control and leaves the road; one often sees trucks impaled on or wrapped around trees. Though it is often discussed in government road safety proposals, these trees are rarely marked with some white stripe to make them more visible at night. From the days when the road was in fact several separate carriageways, there are sometimes trees in the middle of the road. And most perilously, along a road which often has ruts, ditches, or steep declines on both sides, the GT essentially has no guard-rails (except on bridges) to help prevent vehicles that are losing control from going off the road. (An Indian government road safety study determined that Indian bridges frequently tend to be dismayingly and quite hazardously narrower than the roadways by which they are approached.)

Speed limits are utterly ignored and entirely self-imposed.

Lastly, though it may be stating the obvious, India is one of the poorest countries in the world. As a result the majority of vehicles on its roads are well-used and kept running long, long after what might be termed their viable or safe life here. This adds yet one other element of chance, of the tenuous -- the risk of sudden breakdown -- to the conditions of Indian highway travel.

There is nothing mysterious or difficult to grasp about the hazardous nature of Indian road conditions in general and on the Grand Trunk Road in specific, once it has been seen first-hand. More than one reporter has described it as "a game of chicken." It does not remotely resemble any road in Western Europe or the

United States, and this is obvious after ten minutes' travel on it. One surviving student recalled that on the GT on the night of the accident, "We were scared from the very beginning." (Kelly Glass, Orange County Register, April 14, 1996).

She was right to be scared. With 1% of the total vehicles in the world, India has 6% of the road accidents. (Traffic Accidents in India -- Facts, Characteristics, Causes & Countermeasures, Central Road Research Institute, New Delhi, 1992). The same study found the drivers of private buses "rash and negligent... risky."

III. Night Driving Conditions in India

The GT at night has other particular dangers that do not exist on it during daylight hours. There is, first, a strong Indian road tradition of not using headlamps at night out of the folk wisdom that to turn them on expends gas unnecessarily. (In much the same way, the windshield wipers are often kept safely in the dashboard and only clipped into place in the severest monsoon rainstorm; even then, incredibly, usually only the driver's side wiper is used.) Thus the GT at night becomes a maelstrom of trucks barrelling along without any headlamps on, the only clue to oncoming danger being the roar of other engines and a horn being sounded, somewhat instinctively and haphazardly, to warn those ahead. It is of course very difficult to locate the precise distance and direction of a honk. Headlamps may be switched on and off rapidly at the last moment -- often to blinding effect, or too late.

The general other lesser traffic of the road -- bicycles, ox-carts, pedestrians, etc., never wears blinkers, signal-lights, or reflectors of any sort, much less horns or headlamps. These lesser vehicles thus have no way of signalling their presence. (To hit a strolling villager may not seem as dangerous as hitting another bus, but the ill will of the victim's extended family can easily extend to a bus's passengers.) It cannot be stressed enough that the general regulations guaranteeing normal vehicle equipment (reflectors, blinkers, horns, headlamps, etc.) that we take for granted in the U.S. do not enforceably exist in India.

Because there is somewhat thinner traffic on the GT at night -- and because it is always cooler and the air fresher and thus the physical effort of travel easier -- the lesser vehicles often mistakenly believe the road is safer then, and journey by night. They are, however, only proportionally increasing the danger to themselves and to the trucks by being on the road then, with no way to indicate their presence until it is too late.

A 1992 Indian government General Report on Engineering Measures in Highway Safety points out the revolutionary idea that "[a]nother important aspect for which maintenance teams are responsible is guiding traffic at places of road repair and illuminating these at night. An appreciable number of accidents are due to vehicles colliding at night with road machinery left on the road without light[s] or to their running into road building material placed on the roadside."

In the course of my book researches I interviewed a large number of truckers, who know the road better than anyone. All agreed that the road's dangers were multiplied exponentially in darkness. Over the course of my own journeys I made a deliberate effort to be on the Grand Trunk Road in darkness as little as possible. This was because, risky as my trip already was, I knew that to be on the GT or, indeed, any Indian road by night significantly and quite unacceptably raised my chances of being in an accident.

There are other famous and traditional dangers, which may be found described in any Indian newspaper on a daily basis. These are the bandits known as dacoits -- some are in private gangs, some operating as the strong-arm men of the local government. Such bandits are notorious for controlling parts of the GT at night, predominantly in Bihar State but also in parts of Uttar Pradesh (the state in which Benares, Allahabad, and Agra are found.) The thieves block the rock with stones, or nails, then hijack a truck's cargo by killing the drivers. As a result, trucks at night often travel in convoy, and the drivers are armed. The situation has been thus for many years; it is another reason why the solitary bus is rarely seen on the GT at night, in order to protect passengers who would be highly vulnerable.

The primary danger of the GT at night, though, baldly stated, is that it is difficult to see anything on it in the dark. As a result journeys routinely take much longer than they might during the day -- extra time to be out on that dangerous road at its worst time. The road is unlit; it is far harder to judge whether another vehicle may be safely overtaken (as several students reported was the cause of the accident.) There are very rarely any reflectors along the road itself to mark a dangerous curve or a pothole five feet deep that might have been there since last month; likewise, a semi-destroyed truck from an accident last week or last December may still lie across half of it, blocking it; and as the driver of the bus from the March 27, 1996 accident testified, it is commonplace that the high beam headlamps from an oncoming truck blind a driver coming from the other direction, who then cannot possibly negotiate a curve in the road which he does not see.

There was nothing remotely unusual about the accident of the night of March 27, 1996, except that it was Americans who were killed, not Indians. Such an accident is, otherwise, an absolutely ordinary occurrence on the GT, made more ordinary by the fact that it occurred in darkness.

IV. Indian Drivers

The most important danger factor besides the conditions of the road itself is the nature of Indian driving. As has been stated, most of the vehicles on the GT are trucks. Theoretically one must be 21 years of age to attain a driver's license in India for heavy vehicles, but as I found in my many interviews with truckers, (see Ch. 5, pp. 65-71, *Days and Nights on the Grand Trunk Road*) very, very few of them have driver's licenses at all. (This leaves open the issue of defective eyesight -- a principal culprit in official Indian road accident studies -- though Indian driving exams are notoriously lax about eye exams and equally corruptible with tiny bribes.)

Most truckers start driving professionally around age 14, which means that some trucks are being driven by newcomers who have neither a license nor any experience. There is no mandatory training in a driving school for drivers of the large commercial vehicles which dominate the road. To quote from an Indian government report on Traffic Safety Education and Publicity, "The present practice of 'driving tests' is often nothing more than... eyewash. There is both corruption and connivance at several levels..."

Another General Report of Traffic Control, Regulation and Enforcement (1986) singles out bus drivers as "inadequately trained" and requiring "the lowest qualification." It is worth noting that whereas truckers always drive in pairs and often as a trio, so that one man can always relieve another, bus drivers including the drivers of private buses like that involved in the accident in question almost never do. Fatigue inevitably sets in.

At the night the regular high risks from truckers increase. One reason is that they are, like truckers anywhere who are paid by the load, pushing themselves to drive as far as possible, as quickly as possible, on as little sleep as possible. One frequent method in India is the use of opium to keep awake. Many truckers confirmed to me that on opium, washed down with tea, they could easily drive twenty-four hours without sleep. Since the drivers work in pairs, they may roll through the night with only short stops in dhabas (truckers' roadside rest areas) for a quick meal, a quick nap, some whiskey, more opium, or a prostitute.

It has been determined by different road safety experts in India, according to the minutes of various symposia, that around 80% of the drivers do not know the traffic rules in the general sense. More specific studies determined that only 21% of Indian drivers understand the rules of overtaking, and that only 27% understand basic rules like priority at intersections.

V. The GT between Delhi and Agra

The GT between Delhi / New Delhi and Agra is one of the very busiest stretches of the road, due in part to the fact that New Delhi is the capital. The road also passes through Mathura and Vrindavan, two highly popular Hindu pilgrimage towns connected with the god Krishna. Lastly, there is the commercial importance of Agra, about 120 miles to the south of Delhi, a major tourist destination because of the Taj Mahal.

About 25% of this stretch is usually among the best maintained of the GT, specifically within a 20-mile radius of Delhi and of Agra. (The accident in question occurred on a section that may have been recently re-tarred, about 15 miles from Agra.) However, in my experience those sections of the GT that are in physically better shape do not appreciably lessen the dangers, because the better road surface (like better surfaces anywhere) tends to simply encourage the traffic to drive faster and with less caution.

This stretch of country is well known to foreigners. During the day many tourists travel from Delhi south to Agra by rail, a journey of two to two and a half hours on several special extra-comfortable tourist express trains at the high price of $15 each way. They are then able to visit the Taj Mahal and related sites in Agra for a half-day and come back to Delhi. Indeed, train service from Delhi to Agra is so regular that it seems odd that, under these circumstances, an extra first-class railway car was not hired for the 60 students, to be attached to the next regular train. However, by the same token, there was no need for the students to fly north all the way from Varanasi [Benares] to Delhi, then drive backwards, retracing their flight, as far south as Agra. The same hypothetical "extra" train car could have been easily hired to take them north from Varanasi direct to Agra. Rather than seeing nothing from a plane, they could have seen the countryside during the day from the safety and comfort of a train. This would, of course, have been far less expensive than purchasing air tickets up to Delhi.

Other tourists do the same journey as the fatal bus route (Delhi -- Agra) via the GT, but in a private hired car. The hired car invariably comes with a driver; foreigners may not rent a car without a driver in India (i.e. drive it themselves) for reasons of both safety and employment. In this case the journey is always done during the safety of daylight hours. Indeed, the two highly experienced drivers I used in my researches in that part of India both refused to drive at all on the GT at night, and when one was forced to, north of Agra, as a result of my extended note-taking, he was extremely upset.

* * *

As has been demonstrated, the dangers of the Grand Trunk Road are immediately obvious to anyone with open eyes, Indian or foreigner. No one who has seen the GT first-hand needs to be shown statistics to understand that this is a highly hazardous road. I can only presume that those dangers would seem even more eloquent and outlandish to someone with little third-world travel experience.

Suppose, though, that one had spent little time in India? Suppose one were trying to investigate the question of road safety there in the most cursory way? Suppose the question was simply whether it was okay to put kids on buses on a certain road in the daytime, or whether there were other, better alternatives? Would one encounter ample warnings that made clear that, say, in terms of fatal accidents per thousand vehicles, India's roads are 13 times more deadly than those of the United States?

An apt question, therefore, is to what extent the readily available travel literature and professional travel advisories here in the U.S., both make the GT's risks clear and articulate other choices.

VI. Book Information about the GT Road's Safety

A number of sources discuss the Grand Trunk specifically in terms of its dangers, by day and by night. (To this writer any travel on Indian roads should be avoided if at all possible, no matter what time of day or night.)

Since the Semester at Sea / Institute of Shipboard Education planners claim to have spent, individually and collectively, little time in India, they must presumably be getting their information on that country -- as well as their ideas about where to send their students on Indian excursions -- from some outside source, not just word of mouth. Possible published sources fall into several principal categories: non-fiction books about India, including books of documentary photographs; travel advisories; magazine articles; and travel guidebooks, of which there are many of high quality. An accurate sense of the dangers of Indian roads might have been gleaned from any of these sources from at least 1990 onwards. (I will, of course, refer in this Expert Report only to those published and available prior to the accident.)

One ~~Two~~ prominent non-guidebook source~~s~~ that might easily come to the attention of those with a vested interest is ~~are~~ a book of color photographs by Raghubir Singh, one of the most highly esteemed photographers of India. This book, The Grand Trunk Road (Aperture, New York, 1995), though primarily about the people, historic remnants, and local culture of the road, is full of photographs that show wrecks or the mutilated residue of a truck. Though it is far from being a book on driving, its images contain the steel corpses of many accidents.

Singh writes of (and unforgettably photographs) traffic jams ten miles long that last, literally, days; and of the "coughing and groaning and overladen trucks... this is one hell of a road."

In the introduction, Singh (an Indian) reminisces about his many journeys along the Grand Trunk Road. He recounts the GT in monsoon flood, "rendered unusable in many places," with an enterprising Sikh farmer tugging cars with a chain and a tractor "through the narrow and treacherous track submerged below the flood-fragmented road. Those who did not avail themselves of the help of the tractor driver and his assistants -- the latter running alongside each vehicle to indicate depths to the driver -- invariably overturned or stalled their cars or trucks." Singh goes on to recount places where a road bridge had collapsed, or where wide sections of the road had been washed away in many places, or parts of the road turned into a refugee camp. At one point "there was a wide breach in the two-lane highway, through which water flowed as swiftly as in a mountain stream... I saw a man swept from one side of the road to the other... he saved himself from drowning by clutching at a thorn tree that came his way."

① Another convenient source for a sense of the road is in a book of essays about the politics of most of the countries of South Asia, called On the Grand Trunk Road (Times Books, Random House, New York, 1994), by the Pulitzer Prize-winning journalist Steve Coll of the Washington Post. The title essay of the book (pp. 19-32) is non-political, however, and entirely about riding with an Indian trucker on the GT from Calcutta north via Agra to

Delhi.

Coll cites the Grand Trunk as a leader in "the chaos and carnage of South Asia's intercity roads... where the chance of being accidentally blindsided is high" and writes of the GT: "... the road is vividly dangerous. More than one thousand truck drivers, passengers, and pedestrians die in accidents along the highway each year. Its shoulders reveal an almost surreal display of wreckage: trucks lying smashed and upside down in ditches... buses wrapped around trees, vans hanging from bridges, cars squashed like bugs. Sections of the road are controlled by bandits who hijack trucks... sometimes killing the drivers. Corrupt policemen demand bribes at every checkpoint and throw drivers in jail if they don't oblige. And in rural areas, if a cow or pedestrian is run over, mobs of villagers attack... and lynch drivers in revenge...."

Coll also describes the regular use of opium, other drugs, whiskey, and beer by "daring and reckless" truckers, against the backdrop of "the carcasses of crashed vehicles, resting... in the exact position in which their accidents left them" along the GT. "Often," he adds, "drivers refuse to leave their vehicles unattended, fearing that bandits or corrupt police will loot the cargo. So the wreckage sits, week after week."

Coll likewise points out that in India kidnapping wealthy industrialists for ransom has become big business -- leaving to us to ponder the question of how attractive a bus of American college students could be to kidnappers. He also describes what it's like to be in a vehicle on the Grand Trunk Road attacked by an angry mob of villagers simply because there had been an utterly unrelated accident there earlier that day.

Had those Institute of Shipboard Education administrators and Semester at Sea professors failed -- while planning their Indian trips and a curriculum of Indian background information -- to notice Coll's book, they might have noticed his essay on the GT reprinted in the large and magisterial collection *Travelers' Tales: INDIA* (Travelers' Tales, San Francisco, 1995) arguably the single best anthology of articles about India ever assembled.

② Had the Coll essay been missed, several other articles in the enormous anthology make the same point about the country's dangerous roads -- for example, a driver "laughing when we nearly ran somebody over" and "taking us to the edge of doom every few minutes" in a country whose roads have "one of the highest mortality rates in the world" (pp. 119-20). Another journalist, a bicyclist, describes how Indian drivers are "fond of taking hairpin bends and blind corners at full throttle... Trucks careened down the road straight at me, forcing me to pitch myself into the shoulder... Pairs of overtaking trucks... made me dive for my life. Here and there an upturned truck or a smashed-up car would loom up... a kind of monument warning the living to slow down... Indian drivers *were* maniacs." (pp. 286-7).

Someone curious, planning Indian itineraries between 1990 and 1995 but not necessarily researching the risks of the roads, might have read at least one of several prominent non-fiction books about the country -- journalism and travel -- published in those years.

③ One of the best reviewed, for example, was Chasing the Monsoon (Knopf, New York, 1991) by Alexander Frater, chief travel correspondent for the London Observer. It contains (pp. 170-172) a nightmarish description of a 5-vehicle crash on the Grand Trunk Road between Delhi and Agra. One car is tossed clear off the road and into a ditch; a truck mangles a jeep and crushes another car. The transport manager of a local company tells the dazed author, "There are one million-plus lorries on Indian roads, many driven by lunatics."

④ Surely, too, anyone curious might have looked at what was undoubtedly the most celebrated book published on India during this period: V.S. Naipaul's India: A Million Mutinies Now (Viking, New York, 1991). Naipaul, winner of the Jerusalem Prize and the Booker Prize, provides in this, his third book on Indian politics and society, a memorable description of road conditions. "The road was very busy," he writes, "reflecting the agricultural activity. But the trucks, though decorated with love, were overloaded in the Indian way, and were driven fast and close to one another, as though metal was unbreakable and made a man a god, and anything could be asked of an engine and a steering wheel and brakes... that day 10 or 12 trucks had been wrecked, and some people had almost certainly been killed, in seven bad truck accidents. Trucks had driven off the road into ponds; trucks had driven into one another. Drivers' cabs had crumpled, glass had shattered. Axles had broken, wheels had played at odd angles; and sometimes trucks, like vulnerable, soft-bellied animals, had turned upside-down below their cruel loads, showing the wretchedness and rustiness of their metal underbellies and the smoothness of their recapped tires." (p. 150)

One might also have read the equally high-profile A Goddess in the Stones (Holt, New York, 1991), by the eminent British writer Norman Lewis, who rode on part of the GT down in Bihar, the state bordering Uttar Pradesh (Agra's state, in which the March 27, 1996 accident took place). Someone wondering about road safety might have been struck by Lewis's description of a head-on collision of two trucks at high speed, "exploding and scattering cargoes, demolished bodies, engines, axles, and wheels all over the road." Lewis goes on to cite another case in which "an eight-wheel leviathan had impaled a small house and charged with it into a field."

5) Brian Paul Bach, in The Grand Trunk Road (HarperCollins, India, 1993) notes, "Wrecks on the GTR are a whole lurid subculture of their own... Yes, we all realise that we could very well perish on this thoroughfare... " He then quotes Khushwant Singh, the patriarch of Indian journalists, who tells him, "It is a mad road, now." Bach adds, "More than a few of his family relations have perished on its unyielding kilometres."

VII. Magazine Information about the GT Road's Safety

To cite the most prominent magazine articles first: anyone planning to travel even in daylight on any Indian road, and specifically the GT, might have noticed the feature article in the Smithsonian (May, 1992) -- an eloquent photo essay primarily devoted to the wrecked trucks of the Grand Trunk Road. He could not have missed the images of the road flooded by monsoon rains, or of "the many overturned trucks that pushed the envelope too far," or the dangerously overloaded passenger buses, or a line of camels monopolizing the shoulder of the road, or of how "the choking dust hangs over a stretch in a perpetual state of repair" (to quote from the photo captions).

Had they read the accompanying Smithsonian article, headlined **There's no stretch of highway as wild as India's Grand Trunk Road,** the following lines might've leapt out: "Driving -- or even walking alongside -- the Grand Trunk Road... is not for the faint of heart. Imagine a macadam track... barely two lanes wide with no markings on most stretches... By day, there's the constant threat of collision; by night, armed robbers scatter nails or block the road with rocks... The few foreigners who experience the GT often do so from the backseat of a wildly weaving [car], but the driver can't hear their gasps over the honking."

The Steve Coll essay mentioned in the previous section was also reprinted, in highly abbreviated form, in the July/August 1994 issue of Mother Jones magazine. It still made clear the many dangers of the Grand Trunk Road.

The May 1990 issue of National Geographic contained a full-length article on the Grand Trunk Road. Along with the customary images of overturned trucks and the motley array of traffic, there was an aerial view of the road, clearly showing the extent to which the traffic ignored the lanes and the proper direction of each lane. There was a photo of army officers searching bus passengers for weapons. There was a photo of men and women crushing gravel to spread on the road's surface before tar could be manually poured over it; most Indian road maintenance is still done by hand. Another photo showed Indians riding the road four to a motor scooter, with the accompanying caption: "Riders without helmets and the overloading of single passenger~~s~~ vehicles add to the high number of traffic-related deaths on India's roads."

The actual text of the National Geographic article was far more explicit. It referred to the GT as "cataclysmic" and "a maelstrom" and said of the road: "Today it bears some of the nastiest vehicular traffic on the planet... this is the world's worst road... set those trucks, cars, and buses down on a tarred strip maybe 16 feet wide, with dirt ruts on either side ... hurl them at one another at 45 to 70 miles an hour in an eternal life-and-death game of chicken... put between them bullock carts, bicycles, rickshas, jitterbugging motorbikes, and sluggish black minibuses... toss in ruminating cows, pariah dogs, surly camels, an elephant or peacock... add desperate-eyed pedestrians suicidally crossing between onrushing drivers who would never dream of stopping... then color the whole with blue-black smoke from snorting exhaust pipes trailing a shroud of fumes that burns the eyes, sears the lungs, and seems to drain the life-giving oxygen out of the air.... Such are the joys of travel on today's Grand Trunk Road."

VIII. Travel Guidebook Information and Indian Road Safety

There are more reliable, high-quality, detailed travel guidebooks to India than for most countries, due to the fact that many foreign visitors there tend to be seriously fascinated by its cultures and the many crosscurrents of Indian society rather than being simply in search of a beach vacation. They therefore look to their guidebook as a responsible resource of complex information.

Many visitors are also extremely budget-conscious, as India is widely known as an inexpensive destination, full of bargains. It must be considered, then, that a natural tendency of some of these guidebooks, particularly those aimed at the frugal backpacker market, would be to encourage travel by road, since this is generally the cheapest way to get around. Yet these guidebooks are no less critical and cautionary about road travel than the other materials cited above.

All the following quotes are taken from guidebooks published from 1991-95, i.e. editions that Institute of Shipboard Education planners might have consulted had they wanted to check on the safety of various Indian modes of travel.

One place for careful travelers to start might be Fielding's

World's Most Dangerous Places by Robert Young Pelton (Fielding Worldwide Inc., Redondo Beach, Ca., 1995), which emphatically considers India one of them. One principal reason is the roads: "There are about 2 million km (1.2 million miles) of roads in India; 33,112 km of which are the national highways. While this constitutes only 2 percent of total road length, they carry around 35 percent of the traffic. According to the National Transportation Centre [in Trivendrum], Indian roads are the most dangerous in the world. With 1 percent of the total vehicles in the world, India accounted for 6 percent of total road accidents and has the highest accident rate in the world at 34.6 per 100,000 people [in 1988/89]. See 'Dangerous Things'... Travel by road after dark is not recommended... " (p.266; also see p. 270)

The Lonely Planet guidebooks are among the most popular, reliable, and easy-to-find series. Their India volume, ever since its first edition (1981), has been the single most popular guide to that country, and won in England the Thomas Cook Guidebook of the Year Award. The two relevant editions here are the 4th (1990) and the 5th (1993). I shall quote from both.

India: A Lonely Planet Travel Survival Kit (4th ed., 1990, Lonely Planet Publications, Berkeley, Ca.) has the following warning: "Driving in India is a matter of low speeds and great caution. Indian roads are narrow and crowded. At night there are unlit cars and ox carts, and in daytime there are fearless bicycle riders and hordes of pedestrians. Day and night there are the crazy truck drivers to contend with... the normal driving technique is to put your hand firmly on the horn, close your eyes and plough through regardless. Vehicles always have right of way over pedestrians and bigger vehicles always have the right of way over smaller ones. On the Indian roads, might is right." (p. 126)

Under the category of **Road Safety**, this 1990 edition of the Lonely Planet guide goes on to state: "In India there are almost 100 road deaths daily -- 35,000 or so a year -- an astonishing total in relation to the number of vehicles on the road. In the USA, for instance, there are 43,000 road fatalities per year, but they also have more than 20 times the number of vehicles that India does. The reasons for the high death rate in India are numerous and many of them fairly obvious -- starting with the congestion on the roads... One newspaper article recently stated that 'most accidents are caused by brake failure or the steering wheel getting free'!... [after an accident] lynch mobs can assemble remarkably quickly, even when a driver is not at fault! Most accidents are caused by trucks, for on Indian roads might is right and trucks are the biggest, heaviest and mightiest. You either get out of their way or get run down. As with so many Indian vehicles they're likely to be grossly overloaded and not in the best of condition. Trucks are actually licensed and taxed to carry a load 25% more than the maximum recommended by the manufacturer. The karma theory of driving also helps to push up the statistics -- it's not so much the vehicle which collides with you as the events of your previous life which caused the accident." (p. 127)

The later edition of India: A Lonely Planet Travel Survival Kit (5th ed., 1993, Lonely Planet Publications, Berkeley, Ca.) reprints all of the above verbatim and elaborates further: " ... you don't want to discover on the Grand Trunk Road with a lunatic in a Tata truck bearing down on you that you don't know how to take evasive action! The hazards to be encountered range from families of pigs crossing the road to broken-down vehicles, left where they stopped, even if that is in the middle of the road... It's staggering to see the number of truck wrecks by the sides of the national highways, and these aren't old accidents, but ones which have obviously happened in the last 24 hours or so -- if they haven't been killed, quite often the driver and crew will be sitting around, wondering what to do next... at night, it's best to avoid driving at all along any major trunk route unless you're prepared to get off the road completely every time a truck is coming in the opposite direction! The other thing you have to contend with at night is the eccentric way in which headlights are used -- a combination of full beam and totally off (dipped beams are virtually unheard of)... Night driving should be avoided at all costs. If you think driving in daylight is difficult enough, imagine what it's like at night when there's the added hazard of half the vehicles being inadequately lit (or not lit at all), not to mention the breakdowns in the middle of the road." (pp. 180-5)

The Cadogan Guide -- India, by Frank Cusy, (Cadogan Books, Ltd., London, 1993) quotes an Indian newspaper to the effect that many bus accidents "are caused by brake failure, steering wheels falling off, or weakened back axles." (p. 33)

The 1994 South Asian Handbook (India & the Indian Subcontinent) (1993, Passport Books, NTC Pub. Group, Chicago) warns: "National Highways between major cities are heavily overcrowded. Oncoming trucks and buses very rarely give way. Outside the largest towns there are usually no road markings. While many roads are little used and very attractive, some of the main roads... have a great deal of heavy traffic, bullock carts, animals and pedestrians often creating a sense of total confusion. It is particularly difficult to drive after dark. Many vehicles have no lights, and there are often almost invisible obstacles on the road. It is much better only to drive in the daylight." (p. 23)

The Lonely Planet Travel Atlas -- India & Bangladesh (1995 edition) speaks of buses as "sometimes dangerous" and warns that because of heavy traffic "major trunk roads should be avoided." It continues: "Roads are often of poor standard, and routes like the Grand Trunk Road can be crowded and dangerous, with a plethora of vehicles -- from lumbering oxcarts to huge trucks travelling at great speed. At night, plenty of vehicles are not illuminated. Take care!"

The Rough Guide: India (Penguin, New York, 1994, repr. '95), another popular and thorough work (nearly 1200 pages) and to this author one of the most reliable, concurs. "Expect the unexpected, and expect other drivers to take whatever liberties they can get away with. Do not expect them to obey traffic regulations, use indicators, give way or observe lane discipline... vehicles cut in and out without warning, and pedestrians, cyclists, and cows wander nonchalantly down the middle of the road... In the country the roads are narrow, in terrible repair, and hogged by overloaded Tata trucks that move aside for nobody, while something slow-moving like a bullock cart or a herd of goats can easily take the whole road. A huge number of potholes don't make for a smooth ride either... Accident rates are high, and you should be on your guard at all times, taking special care after dark -- not everyone uses lights, and bullock-carts don't have any... " (pp. 31-2)

The India Handbook (several editions, 1991-5) admonishes that, given the choice of road or railway travel, "It's better to go by train if there is a choice... travel by road can also be a worrying experience... Indian roads are often in poor - sometimes terrible -- condition... an endless succession of horn-blowing, unexpected dangers, and unforeseen delays... training in driving is negligible and the test often a farce... there can be real danger from poor judgment, irresponsible overtaking and a general philosophy of 'might is right.' And, of course, seat belts are virtually unheard of."

It is, in fact, difficult to find an Indian guidebook which does not warn about hazardous road conditions there; it is probably impossible to find one which asserts or even implies that Indian roads, and the GT in particular, are as safe as, say, U.S. roads and hence a recommended way to travel on routes served by trains and planes.

VIII. Indian Trains

A natural question that might occur to anyone who has traveled on the Indian subcontinent would be: Why put American students on the roads at all, day or night, when there are the Indian trains? In the case of the lethal bus journey, the specific question should be: with arguably a month, and with at least a day in which to make some arrangements other than the plane, why wasn't an entire first-class coach, which could easily have been attached to one of the regular and frequent Delhi-Agra trains, not hired for the students? Why would a travel agent or administrators familiar with India even consider a bus?

The railway system -- inherited from the British, who built it -- is arguably one of the best in the world, the passenger and commercial bloodstream of the country. In a country of maximum inefficiency, it is relatively speaking one of the most punctual, efficient, and reliable institutions. It is far safer than the roads (or, one might add, than Indian Airlines, which has one of the worst safety records of any airline anywhere.)

How much safer? In 1995, about 60,000 people were killed on Indian roads in accidents; in that same year, by contrast, only 305 died on the Indian railways -- out of about 120 million passengers. (The New York Times, September 15, 1997) Even leaving aside the hundreds of thousands of Indian road accidents that did not result in deaths, this makes the train about 200 times safer.

Most of all, the Indian Railways are justly legendary as a microcosm of the entire country. (The Rough Guide, like many guidebooks, speaks of it as (p. 27) "one of the great experiences of India" and "the definitive way to travel in India" (p. 32)). With its many complexities of first, second, and third class carriages, the Indian railway seems ideal for the Semester at Sea's stated goal, for its students "to interact with other cultures" (Semester at Sea brochure, 'A Special Message' from John P. Tymitz). The trains, it is well known, are the best opportunity for foreigners to meet and talk with Indians from all castes, backgrounds, professions, and locales in a trucial situation far more natural than any organized visit to a village.

To this writer it seems odd the students were not placed on trains rather than buses at every opportunity in the various India itineraries, or even instead of certain plane flights, such as Varanasi-Agra or the ill-fated Delhi-Agra. The train is safer, cleaner, more reliable, and faster than the bus in India, and it gives students a chance to see the towns as well as the deep countryside while meeting Indians from all walks and levels of life. As the Lonely Planet India guidebook (1993 ed.) says about buses, "they become uncomfortable sooner than trains and are less safe. If it's a long trip, it's better opting for a train...."

Likewise, Indian Airlines has a well-founded reputation as one's of the world's tardiest and least safe airlines, with entirely unreliable departure times. One is forced to wonder if commercial considerations, like a travel agent's commission on many expensive plane tickets, lay behind such decisions. And, failing alternative transport instead of the Grand Trunk Road by night, Delhi is, after all, one of the largest cities in the world; there are many, many hotels.

IX. Travel Advisories & Statistical Reports on Indian Road Risks

The plethora of seminars and symposia over the last ten years inside India and abroad regarding Indian road risks are full of warnings and described dangers and alarming statistics. In 1989 a Government of India Report on roads put out by the Ministry of Surface Transport asserted that "India has one of the highest accident rates in the world, ranking first in number of accidents and fatalities... road accidents account for 13 to 14 per cent of total deaths in the country." It is hardly surprising the United Nations ESCAP publishes a set of Asian Highway Maps with an *Advice to Motorists* warning about Indian roads.

According to the National Safety Council (*International Accident Facts*), the overall accident rate on Indian roads increased at an average of 8% every year from 1975 to 1991. This means the annual rate of accidents is rising at about three times the rate of annual population growth; it also means that it was nearly four times as dangerous in 1991 as it had been a mere sixteen years earlier.

In terms of fatalities, at that point in only five years there had been an increase of 40% in the number of persons killed every year on Indian roads (40,300 deaths in 1986, to 56,525 in 1991). These figures represented about 10% of total road deaths worldwide. By 1993 there were up to 59,300 reported fatalities on Indian roads, according to World Road Statistics, International Road Federation; that year there were another 277,300 reported traffic accidents involving injury.

One easily graspable statistic of road danger for someone even superficially investigating such issues might be the number of persons killed per thousand vehicles. This is an eloquent way of gauging relative road danger in one country alongside that of other countries. In 1989, for example, that figure (persons killed in road accidents per thousand vehicles) was 0.15 for Japan, 0.21 for Germany, 0.22 for the U.S.A., 0.23 for Great Britain, and 0.31 for Austria. The figure for India that year was 2.94, making it roughly 13 times more dangerous than the U.S.A. in terms of fatalities per thousand vehicles. (In the U.S.A., by contrast, the accident rate is steadily declining despite the ever-increasing number of vehicles.)

The average (1992) situation is even more dangerous for the busy National Highways, of which the GT is the busiest. In the country as a whole they represent about 2% of the road length but bear 34% of the fatalities. In 65% of the accidents on National Highways, trucks and buses "were the primary party."

So states a 1992 government study (Traffic Accidents in India, Central Road Research Institute, New Delhi). It also states that traffic accident rates in India are rising at 5% per year, and fatality rates at 10% per year; and that that fatality rate per 10,000 vehicles was now 20 to 50 times the fatality rate "compared to America, England, Japan, etc."

X. Conclusion

Despite the assertion by the Institute of Shipboard Education that they "had no prior information that indicated that the road on which the accident happened was not appropriate for bus travel as was arranged," there was indeed a wealth of such information readily at hand via, say, an hour's research at any university or public library, the Internet, or a moderate-sized bookstore.

It is incomprehensible to this reporter that anyone who had spent ten minutes on an Indian road could have imagined that a six-hour bus trip on the busiest highway in India, by night, was a viable way to transport students. It is likewise hard for me to imagine why road travel in India even during daylight hours, with the exception of movement within cities, was part of the various Semester at Sea itineraries in India. It is so unpleasant, so intensely harrowing, terrifying, and exhausting, even when destinations are reached, that it has a counter-productive effect; and there is always the better alternative of the train.

On Indian roads, the risks are always monumental. The events of March 27, 1996, were predictable, and bound to happen sooner or later. They were also avoidable.

APPENDIX D - WRITTEN STATEMENT OF PETER McPHERSON, PRESIDENT, MICHIGAN STATE UNIVERSITY, EAST LANSING, MI

Safety in Study Abroad Programs

Testimony before the House Committee on Education and the Workforce
Subcommittee on Oversight and Investigations
By
Peter McPherson
President, Michigan State University
Washington, D.C.

October 4, 2000

Mr. Chairman:

Thank you and the Subcommittee for the invitation to speak. I am happy to do so on behalf of both Michigan State University and myself. It is good to be here to talk about something of immense personal interest and national importance.

Michigan State University (MSU) has a long and deep involvement in international teaching, research, outreach, and development. The MSU community believes strongly that such international activity is essential for a modern university wishing to serve well its students, faculty and the American public.

I also bring a personal and professional background and commitment to the importance of international activity. I grew up in the Midwest heartland--in west Michigan. When I attended Michigan State as an undergraduate in the early 1960s, I was introduced to the much larger world, because even then MSU was a university of exceptional international activity, both on and off campus.

As a new MSU graduate, I joined the Peace Corps and served in South America. To say that this was a life awakening experience is an understatement. Among other revelations, I came to appreciate the importance of cross-cultural knowledge and experience to my own future as well as to that of the nation's. Subsequent experience as Administrator of the United States Agency for International Development, Deputy Secretary of the United States Department of the Treasury, and Group Executive Vice President of the Bank of America confirmed and broadened my conviction on this point.

When I became President of Michigan State University seven years ago, I came home to an already international university, and one that I wanted to continue to advance in its international leadership role. Study abroad at MSU is a cornerstone in our campus-wide internationalization efforts.

As I will describe in greater detail momentarily, study abroad presents some unique challenges for our students' safety. Institutions must attend to these challenges, and we believe that they can and most are. First, however, I think it is important to point out why we have made a commitment to expanding study abroad opportunities for our students.

The Importance of Study Abroad

Globalization challenges higher education to strengthen the international dimensions of its teaching, research, and outreach. We must provide students, faculty, staff, and other clientele with the means to acquire knowledge of and experiences in world areas and global systems that will allow them to succeed in this new century. Increasingly, employers of college graduates expect them to have cross cultural understanding and experience, language skills and the ability to work in culturally diverse settings throughout the world. There is only so much that can be learned in East Lansing or on any other American campus about cultures and societies outside our borders. Direct exposure and experience onsite in another country and culture provide the essential opportunities for learning at greater speed and depth. We need to provide opportunities in all of the world's major regions—Asia, Africa, Latin America, Europe, as well as in developed and developing countries.

The study abroad initiative at Michigan State University offers a model for promoting universal access to high-quality educational programs abroad through cost containment, expanded and enhanced program choices, and integration and collaboration across the curriculum. We seek to democratize the opportunity for study abroad, transforming it into an affordable, normal and valued element of student life, and integrating it fully into the undergraduate educational experience.

Study abroad can be the catalyst for a much broader vision of internationalization. Students who return from study abroad help to further internationalize the campus environment by sharing their experiences with others. Faculty who lead study abroad programs themselves become more internationalized, and they, too, carry their new knowledge into the on-campus environment and into the classroom.

We at MSU believe that study abroad is a critical component of students' learning and one that will help them thrive as citizens in a global environment. We believe that our study abroad initiative is important in further internationalizing our on-campus environment. We also believe that benefits should be shared with Michigan communities to support citizens, schools and the state economy.

MSU is committed to providing every undergraduate MSU student with the reasonable opportunity to study in another country. MSU envisions that by the year 2006, 40 percent--or about 2,800--of MSU's annual graduating seniors will have had a study abroad experience of some type. We are over halfway to that goal having sent 1,510 of our undergraduate students abroad this past year. Affordability is essential to reaching our goal; approximately 60% of our study abroad programs have tuition, room and board and other living expenses (exclusive of airfare) below on-campus costs for equivalent academic credit.

MSU is committed to integrating the study abroad experience into the undergraduate curriculum, and designing programs that do the best job possible to provide a safe learning environment for our students.

Challenges to Student Safety and Security Abroad

In order to maximize the value of study abroad, students need to engage directly with the host country's society and culture and with its intellectual and professional environments. To accommodate diverse student interests, educational needs and priorities, we offer an array of program options in all of the world's major regions. This year MSU will offer 152 programs in 52 countries.

It is not possible to isolate our students from all threats to their safety and security, regardless of where they are--- whether on campus, off campus, abroad or at home. And nothing will fully protect those who ignore good advice or do not exercise good judgment. However, we work to prepare our students to live and learn in another culture, to design programs that minimize risk, and to inform students of behaviors and places to avoid.

Study abroad presents some unique challenges for our students' safety. Sending students to different cultures with unfamiliar laws, language and customs requires us to prepare them so that they do not inadvertently offend their hosts or get themselves into trouble. Some countries to which we send our students have limited health care systems which requires us to take special measures to prevent illness and deal with health problems should they arise.

Susceptibility to crime is an issue we must examine, whether here or abroad. Different patterns of criminal behavior in locations abroad require us to be vigilant about conditions in countries where we place our students and to have sufficient prior knowledge of locations or situations that should be avoided. Conditions of political and social stability, as well as environmental circumstances, vary widely throughout the world; constant monitoring of conditions not only at the national level, but at the sub-national level is essential. Obtaining timely, detailed, and high quality information regarding all issues related to U.S. safety and security abroad (health, crime, political, and other threats) is essential.

MSU's Approach to Dealing with Challenges to Safety and Security of Students Abroad

At Michigan State, we take these challenges very seriously. As I will lay out, we have comprehensive policies, procedures and action plans in effect to deal with each of the major concerns.

First, however, I must emphasize that we are fortunate as an institution to have over 600 faculty who regularly travel and work abroad and who keep in contact with colleagues and government officials in countries where we send our students. These faculty are regularly consulted by our Office of Study Abroad for firsthand knowledge about local conditions.

While the majority of our programs are accompanied by MSU faculty leaders, all of our programs are overseen by faculty who know the country to which our students are going. In instances where MSU faculty do not accompany a program, the University engages a local professional who is responsible for orienting students on-site, pointing out dangers to avoid, and serving as a point of contact in cases of emergency. We believe that campus-based expert knowledge and experience are essential to designing and supervising safe and secure programs.

We have taken a number of important steps at MSU to assure to the greatest degree possible the safety and security of students in our programs:

> The MSU Office of Study Abroad daily monitors State Department reports and regularly reviews safety issues in countries and locations for all our programs. Experienced faculty provide firsthand and up-to-date information about local conditions abroad as needed.
>
> Several years ago MSU established a committee, independent from the programs and the Office of Study Abroad, to review the safety of study abroad programs and sites. This committee is chaired by a University Vice President. The Committee has ultimate authority for approving programs and sites with regard to safety issues, including canceling programs or ordering revisions to them to protect safety and security.
>
> There is multi-layered review of all our study abroad programs at departmental,

> college, and university levels, each of which includes consideration of safety and security, as well as academic and overall quality.
>
> All MSU students who study abroad are required to have health insurance--which MSU contracts to lower the cost to students. Medical emergency, as well as general emergency evacuation, procedures are in place.
>
> MSU has developed comprehensive procedures for handling emergencies abroad, which have served as a model for other institutions.
>
> All study abroad students are required to go through a general orientation that stresses safety issues and the importance of understanding cultural differences. In addition, our study abroad programs provide country-specific orientations for students where safety precautions also are emphasized.

Over the last five years, MSU has sent over 7,800 students abroad on MSU programs. There have been no deaths and no serious injuries or accidents except one involving a student fall that resulted in a fractured foot. Each year there are a few reports of thefts (e.g., purse snatches, picking of pockets and loss of possessions from dorm rooms), but we have no reason to believe the number of such incidences are out of the ordinary.

MSU is by no means alone in its efforts to protect the safety and security of its students abroad. Based on frequent discussions with colleagues at other institutions, we believe that the vast majority of our institutions in this country take such concerns seriously, and have similar policies and procedures in place. There also are national-level efforts. A few years ago the Association of International Educational Administrators, the National Association of Student Personnel Administrators, and NAFSA: The Association of International Educators developed and issued a comprehensive set of Health and Safety Guidelines for Study Abroad. These have been widely disseminated in print and electronic format and can be found on the NAFSA website. These and other national and regional organizations regularly provide educational programming for study abroad professionals and higher education administrators on program design, quality and safety and security. Having said this, we recognize that not all study abroad providers may be equally cognizant of best practices, nor uniform in their attention to issues of safety and security. This coming Fall 2001, MSU plans to sponsor a national conference on study abroad safety, security, quality and related issues.

In closing, permit me to return to the opening theme of my remarks. MSU's challenge – and commitment – is to mainstream international experience and content throughout its curricula so that virtually every student and every faculty member, regardless of major or department, becomes globally experienced and knowledgeable. "Mainstreaming" international competence is an institutional commitment based on a conviction that MSU's future and the quality of its graduates depend on our becoming a global university of distinction where students gain foreign language competence, international understanding, and the experience needed to live and work in a diverse environment, both at home and abroad. We believe that study abroad, integrated into the undergraduate curriculum, is an essential ingredient in this effort, and that quality and safety in our programming are prerequisites for our efforts to be successful.

APPENDIX E - WRITTEN STATEMENT OF DAVID C. LARSEN, Ph.D., VICE PRESIDENT, DIRECTOR OF THE CENTER FOR EDUCATION ABROAD, BEAVER COLLEGE, GLENSIDE, PA

Statement for the Record
Hearing on
Safety in Study Abroad
October 4, 2000

Submitted to the
Subcommittee on Oversight and Investigations
Committee on Education and the Workforce
United States House of Representatives
by David C. Larsen, Ph.D.
Vice President
Beaver College
Glenside, PA

Mr. Chairman and Members of the Subcommittee.

Let me begin by explaining why study abroad is important to our students, our institutions and to the United States.

Globalization is superseding our traditional distinction between foreign and domestic concerns. Most domestic problems in today's world are also international, and conversely, most of the international challenges the world faces have very local manifestations. To cite just one arena: the global economic and technology revolutions are redefining the nation's economic security and reshaping business, life, and work. The opening of global markets, the explosion of trade, the globalizing effects of Internet technology, and the need for U.S. business to compete in countries around the world require a global content in education in general, as well as specific foreign language and country expertise. There are similar global components to public health, the environment, international migration, and law enforcement that dominate our hometown newspaper headlines.

In short, international and cross-cultural awareness and understanding on the part of U.S. citizens are already crucial to effective U.S. leadership, competitiveness, prosperity, and national security in the next century, and will only become more critical in this new century.

Globalization expands the nation's need for international competence. To maintain U.S. security, well being, and global economic leadership, we need to increase the depth and variety of international expertise of Americans in government, business, education, the media, and other fields. While the Internet dramatically increases opportunities for global collaboration, technology alone cannot substitute for the expertise developed through serious study and substantive international experience. We cannot fully comprehend the challenges we face unless and until we have a sufficiently internationally skilled workforce. Study abroad is well-recognized as a key mechanism to provide that skill and sophistication.

Recent developments in this Congress, and in the Administration, as illustrative of this recognition. The House has passed the International Academic Opportunity Act of 2000 [H.R. 4528], which establishes a needs-based scholarship program for undergraduate study abroad, as introduced by Reps. Benjamin A. Gilman and Maurice D. Hinchey. The Senate Foreign Relations Committee has favorably reported out a companion bill introduced by Sens. Richard Lugar, Susan M. Collins, Russell D. Feingold, and Charles E. Schumer. The Administration has issued a presidential memorandum regarding international education that features study abroad as an avenue to achieve the objectives of the outlined policy. The Secretaries of Education and State are charged with executing this policy. A companion to that memorandum has been introduced in the House by Reps. Jim Kolbe, Johnny Isakson, James McGovern, James L. Oberstar, and

Constance A. Morella [H.CON.RES. 342].

In September, Sen. Thad Cochran chaired two hearings on addressing the national security needs of the U.S. government for foreign language and cultural expertise, calling witnesses from the intelligence, foreign affairs, defense, and law enforcement agencies, as well as the private sector. Each of the witnessed outlined the special needs and requirements in our time that require foreign language sophistication, and two witnesses--one for a professional teachers association and the other with the Defense Department--highlighted study abroad as a mechanism to meet our growing needs for these skills.

NAFSA: Association of International Educators has joined with many other education and exchange organizations in endorsing these initiatives and special focuses. We all believe that international education—imparting effective global literacy to students and other citizens--is an integral part of their education. International education is important to meet key challenges facing the United States: national security and the management of global conflict, competitiveness in a global economy, and an increasingly multicultural society.

Study abroad is also recognized within the higher education community and by students and their parents as a key educational option that must be readily available. In contrast to its more exclusive treatment a generation ago, study abroad is now often a centerpiece in the educational options institutions offer and student choose from. The number of opportunities to study abroad that are available to today's students is large and increasing.

The number of Americans who study overseas for academic credit is also increasing: it topped 100,000 for the first time in 1997-98 and has increased by more than 20% during the two following years. This is a tribute to the efforts of international educators, and certain colleges and universities. These recent increases in the number of programs and in the number of participants are a clear indicator of the growing belief in the importance of study abroad on American campuses. Indeed, during the past five years many campuses have adopted targets for study abroad participation. If achieved, these will multiply the number of American participants in overseas programs fivefold. It also reflects, in my view, a growing demand by students to have access to these opportunities.

Notwithstanding the remarkable growth in study abroad in the past decade, study abroad participation by American students is still comparatively minuscule. Last year, less than one percent of our roughly 15 million enrolled undergraduates studied abroad and, as noted by the Institute of International Education's Open Doors, its annual survey of the study abroad population, many students still do not have access to study abroad programs.

If America is serious about wanting to work toward involving its future leaders in a significant international experience through study abroad during their college years, our nation still has a very long way to go.

Our nation is coming to the recognition that providing Americans with opportunities to acquire the skills, attitudes, and perceptions that allow them to be globally and cross-culturally competent is central to U.S. national security and economic interests in the 21st century and, accordingly, must promote the experiencing of the world first-hand by American students.

Along with the importance of increasing opportunities for study abroad and the challenges of serving a growing study abroad population comes the duty to do both of these things responsibly and to minimize risks to the students we are charged with educating. This challenge is not new, and I believe the study abroad community has long been cognizant of its special responsibilities regarding safety abroad. Certainly I have dealt with past individual events around the globe that have posed potential threats to students abroad, or for which some response involving a student has been required because of a health problem or accident. These are not new issues; I have been addressing them at Beaver College and elsewhere for as long as I have been in this field.

What has happened in the recent past is a combination of the sustained growth of study abroad, the increase in the places around the globe that we are willing to send our students, and the public attention to several unfortunate tragedies abroad involving American students. More attention on study abroad program responsibility has consequently and rightfully been focused on these activities, and the professional has been obliged to articulate a set of guidelines so that practitioners, educational administrators, students, and parents have a common set of expectations about what is involved with study abroad, and what preparation is necessary to minimize risk. I am attaching those guidelines for the record and they are available to the public on NAFSA's website at http://www.nafsa.org/safetyabroad/guidelines1298.html. I will also submit for the record an example of an article on this topic from the NAFSA Newsletter ("Safety in Study Abroad: How Much More Can Programs Do To Protect Students?"V.49, No.3; February/March 1998.) Beaver College's link to the health and safety guidelines and its pre-departure information for students and parents can be accessed at http://www.beaver.edu/cea.predeparture.

APPENDIX F - WRITTEN STATEMENT OF BRETT LAQUERCIA, DIRECTOR, BUSINESS DEVELOPMENT, SECURITY SERVICES, KROLL RISK CONSULTING SERVICES, INC., NEW YORK, NY

Statement of Brett Laquercia
Director, Business Development, Security Services, Kroll Risk Consulting Services, Inc.

U.S. House of Representatives, Subcommittee on Oversight and Investigations of the Committee on Education and the Workforce

Hearing on the Safety of Study Abroad Programs

October 4, 2000

My name is Brett Laquercia. I am Director of Business Development for the Security Services division of Kroll Risk Consulting Services, Inc.

I would like to thank the chairman and the members of the subcommittee for inviting me to testify at today's hearing on the safety of academic study abroad programs.

My purpose here today is:

> To outline the risks for which academic study abroad programs must be prepared;
>
> To describe my impressions of the academic community's safety and security preparedness for study abroad programs;
>
> To outline the measures academia can take to reduce the level of risk to which it exposes its students in academic study abroad programs.

To begin I would like to describe the qualifications of my firm and myself to be present on this panel:

Since 1972 Kroll has been serving businesses, governments and non-profits in combating fraud, gathering information on potential partners and adversaries, and protecting their interests from physical security and non-physical threats against their interests.

Kroll advises organizations on the safety and security of their campuses and office installations, for example after the World Trade Center was bombed, Kroll was retained to redesign security systems, policies and procedures there; Kroll designs organizational travel safety and security policies, especially for corporations, in fact Kroll staff advised the White House Commission on Aviation Safety and Security after the Flight 800 disaster;

The firm has worked for the US Government, States and Municipalities as well as foreign governments including Haiti, Kuwait, the Philippines, Russia, Brazil and South Africa, on matters ranging from tracking the global assets of deposed dictators and regimes to investigating official corruption and fraud and training police forces on countering organized crime and conventional and cyber-terrorism.

With over 50 offices on 6 continents, Kroll is the largest firm of its kind, and conducts more than 50% of its work outside the borders of the United States.

In the 8 years I have been an employee of Kroll I have advised hundreds of major corporations and some universities on how they can mitigate the risks faced by their employees and students traveling on business or study abroad programs.

What are the risks that study abroad programs ought to anticipate and be prepared to mitigate and respond to?

Simply stated, these risks include natural disasters; terrorist acts; petty crime; carjacking; kidnapping; rape; homicide; civil unrest; coup's d'etat; extortion; official corruption; health hazards, and other threatening or disruptive situations.

It is my opinion that the Government and corporate community are, to a large degree, at the forefront of preparedness and that universities lag far behind these when it comes to caring for the wellbeing of those whom they send on travel outside the United States. I base this opinion on the fact that Kroll is the worlds largest security consulting firm, and that the greatest number of Kroll's clients for travel related security services comes from former group, while the latter is barely represented among them.

Based on personal experience with my firm and its clients, it is my opinion that in the aggregate, the academic community has rarely availed itself, (and there are certainly exceptions) of the services it can utilize to reduce its level of risk, and better inform itself of conditions in prospective and actual locations chosen for study abroad programs. Although Kroll has been retained by numerous universities to investigate incidents and to proactively improve security standards on campuses domestically, we have rarely been retained to advise on study abroad programs. In fact, most often, universities have balked at paying the fees that would be involved in any such consultation and so many who have reached out to us for help, have ultimately foregone our assistance.

Let me relate a common problem that universities have shared with me during consultations: Group leaders "on the ground" may have occasion to call in to the school administration for advice when some adverse incident strikes or is threatening. A common complaint of those leaders however is that the schools are often far less informed than they are, and so are often not in a position to direct them on appropriate courses of action. Administrators are often left to blindly search the Internet, overwhelmed by volume and unsubstantiated sources, or the State Department's information service, offering a single perspective often not specific enough to their needs. In a moment of crisis, they should have access to information that is relatively tailored to their needs, easy to navigate and that garners current, applicable results, which they can immediately put to work.

What resources are available to universities and how can these mitigate risk and save lives?

Assuming it is possible and likely that at some point before a trip, students will be convened to discuss the program, time should be set aside to enable a consultant to conduct a safe travel seminar for the group. This will couple common sense travel safety and security advice with specific advice on the destination country and the cities on the itinerary. Additionally, a security consulting firm can review the prospective itinerary and make recommendations with regard to "go" versus "no-go" locales, and specific precautions to be taken in different areas.

Immediate results will be gained by accessing an appropriate subscription information service providing political risk assessment of countries and travel security advisories for cities around the world.

Risk assessments provide daily updates as well as in depth country analyses on the current conditions and forces shaping daily events. To help in planning: Universities would be able to more intelligently assess their choices of study abroad host countries from a security standpoint by accessing information on: political and social conditions, the likelihood of near term change (whether it is anticipated to be peaceful or violent), crime trends and whether foreigners, students or American's in particular have been targeted. Additionally, information would be available on terrorist activity, and the coincidence of significant local anniversaries (which may result in unrest or adverse activity) with the planned dates of the program.

A city specific travel advisory service offers brief, but valuable information on airports (i.e. scams, alerts, restriction, requirements and resources), latest local news and city calendar, local do's and don'ts and tips for safe travel within and between cities, including how to identify a real taxi versus a pirate, whether or not it is safe to rent and drive a car oneself, and alerts to scams and how to recognize them early and get away before it is too late. These also include health warnings, and emergency contact numbers for embassies, consulates, police, ambulance and direct dial codes to reach US operators.

Once the group is in place in a host country, a Daily Intelligence Briefing should be perused each day by an administrator back home to ensure that the school is aware of changing conditions, if any, before they receive a call from group leaders. Furthermore, such a service would provide business hour access to risk analysts who could advise on the meaning of events being reported on.

The next measure ought to be contracting for an Emergency Hotline. This would be monitored 24-hours a day by trained crisis management personnel. All students and group leaders would have a wallet card with the number they could call in the event of any emergency. Depending on the urgency of the matter, the call would trigger a report and the operator would immediately contact one of the school's 24-hour designees, based on the nature of the emergency, at which point crisis management measures could be immediately implemented and precious hours, and in some cases days can be gained. Without such a line (coupled with direct dial US operator codes) it is difficult to ensure consistency in crisis response procedures and thus utilization of all of the resources a school may have at its disposal. Callers may otherwise reach voice mails, or contact uninformed or simply the wrong people, and lose critical time in averting a crisis.

Finally, tying all of this together is a crisis management plan, which takes into consideration the likely and potential crises which can be anticipated, and lays out a series of steps and responses to differing scenarios. The plan is used as a rough road map for the crisis team, which is be assembled as part of the creation of the plan, or insertion of a section addressing study abroad programs into any existing plan. The plan should especially lay the groundwork for evacuation, should this become necessary, as well as responding to kidnapping, serious illness and loss of life. The crisis team will benefit from periodic "exercises" or "table-top crisis simulations" which put them through the motions and teach them what can go wrong, and how a plan may facilitate, but also may not anticipate certain complications. The benefit is that the crisis team is far better equipped to react efficiently and with positive results to a real emergency after having "lived" through a simulation.

Some additional considerations are:

> Conducting background checks of local "in-country" contacts, travel agencies, and partners. Too much is at stake to go on word of mouth, or simply choose through advertising. Due diligence may unearth information that will lead to choosing another contractor or partner and may save hassle, expense and even lives.
>
> Contracting with a Medevac organization. In-country healthcare can be dicey in the developing world, and these organizations can help to manage a case remotely with excellent results, and where necessary can provide air ambulance services.
>
> Considering kidnap, ransom and extortion insurance. The insurer and crisis consultant are usually closely aligned to make the crisis response process painless and efficient, and since the insurer has an interest in a safe and speedy resolution they are both helpful and knowledgeable during a difficult and often confusing time. Kidnappings can extend anywhere from 24-hours to over a year. In the event that a kidnapping occurs, not only are the costs of the ransom covered, but consultant fees are also covered, and on a long-term engagement these can add up to significant amounts.

All of these components work together to open a security umbrella over the group, and improve readiness and preparedness to respond quickly which, in many cases will avert disaster, and in many more will speed recovery therefrom, but implementing even a single one of these will make a difference.

APPENDIX G - WRITTEN STATEMENT OF DR. A. LEE FRITSCHLER, ASSISTANT SECRETARY, OFFICE OF POSTSECONDARY EDUCATION, U.S. DEPARTMENT OF EDUCATION, WASHINGTON, D.C.

DEPARTMENT OF EDUCATION

Statement by A. Lee Fritschler
Assistant Secretary for Postsecondary Education
On
The Safety of American Students Studying Abroad
House Subcommittee on Oversight and Investigations

October 4, 2000

Mr. Chairman and Members of the Subcommittee:

Thank you for this opportunity to discuss the safety of American students studying abroad. We share the Committee's concern and hope that all students, no matter where they study, do not come into harm's way.

On April 19, 2000, President Clinton issued an executive memorandum on international education that identified the challenges our country and our education system face: "To continue to compete successfully in the global economy and to maintain our role as a world leader, the United States needs to ensure that its citizens develop a broad understanding of the world, proficiency in other languages, and knowledge of other cultures." Study abroad opportunities for U.S. students are an important piece of this comprehensive national policy on international education, and the Secretaries of Education and State are working closely with colleges and universities to increase the number of students participating in study abroad programs. We strongly believe that the world perspective and cultural understanding gained by Americans studying abroad is essential if the United States is to continue to compete successfully and maintain a leadership role in the global economy of the 21st century. We believe just as strongly, however, that the safety of students studying abroad is an important concern.

Although the public sometimes learns of incidents of crime and violence against American students studying abroad through tragic headlines, and anecdotally from returning students, most study abroad professionals agree that study abroad programs are as safe as postsecondary programs of study offered in the United States. No one organization or postsecondary institution, public or private, can guarantee the safety of each student in a study abroad program. The Departments of Education and State are working hard to assist in providing resources that make study abroad as safe as possible

According to the latest edition of Open Doors, published by the Institute of International Education, the number of U.S. students receiving academic credit for studying abroad in the 1997/98 school year grew to nearly 114,000. Americans studying abroad are typically undergraduates, majoring in the humanities and social sciences, who study abroad for one semester during their junior year. Only about 10,000 of these individuals reside abroad for more than one semester. The leading destinations for U.S. study-abroad students are the countries of Western Europe, although many students choose more distant, and sometimes dangerous, areas of the world as a study abroad destination.

The Department's primary role in study abroad programs is to administer the student financial assistance programs that enable students to pursue their studies in the United States and in other countries. Most federal student financial assistance available to students under Title IV of the Higher Education Act of 1965 (the HEA) is portable to study abroad programs. The international education grant programs that the Department administers under Title VI of the HEA, as well as the Fulbright-Hays Grant programs, are intended to improve postsecondary teaching and research concerning other cultures and languages, training of specialists, and the American public's general understanding of the peoples of other countries. The Department has no authority to regulate or prescribe the security policies and procedures employed by a college or university, either at home or in its study abroad programs.

Nonetheless, concern for the safety of Americans studying abroad led to the funding and support of the SAFETI (Safety Abroad First-Educational Travel Information) Clearinghouse Project by Department's Fund for the Improvement of Postsecondary Education (FIPSE). SAFETI develops and disseminates resources to support study abroad program development and implementation, emphasizing issues of health and safety by using a World Wide Web-based Clearinghouse format (http://www.usc.edu/dept/education/globaled/safeti). This format enhances collaboration between higher education institutions, government, and non-governmental organizations and is part of the Center for Global Education at the University of Southern California. A few of the many resources provided to study abroad program administrators by the FIPSE/SAFETI Clearinghouse include study abroad orientation course descriptions, a Safety Re-Entry Survey to track safety incidents abroad, study abroad workshop postings and an audit checklist of safety and health issues that should be considered in developing study abroad programs.

The Department also provides information and links to information that prepare students for safe and academically fulfilling experiences in other parts of the world.

The Department's Network for Education Information website (http://www.ed.gov/NLE/USNEI) provides general guidance to students and educators on study abroad programs and contains links to foreign diplomatic and consular services and country-specific information provided by the Department of State. The Department's campus security web site is also linked to the Department of State's travel warnings and consular information sheets for students considering studying in a foreign country (http://www.ed.gov/offices/OPE/PPI/security.html).

The Department of State provides a number of publications and resources for students to review prior to going abroad. These include Consular Information Sheets, Public Announcements and Travel Warnings that pertain to particular countries and provide an overview of conditions pertaining to travel. The State Department provides a list of Consular Officers that can help in an emergency as well as a list of services and information available to American citizens abroad (http://travel.state.gov/travel_warnings.html). The Department of State collects information about American citizens who are victims of crime in foreign countries, when those crimes are reported. It is our understanding that this information is used as a basis for the Consular Information Program documents for the public, and informing U.S. Government employees of potential dangers.

Another, much more limited, source of information on student safety abroad are the campus crime statistics that institutions participating in the Title IV student financial assistance programs are required to annually disclose to current and prospective students and employees under Campus Security Act of 1990. In 1998, the HEA was amended to add a provision requiring each participating institution to submit its campus crime statistics to the Department of Education, enabling the Department to make these crime statistics publicly available. Campus crime statistics for all participating institutions should be available by October 17, 2000 at http://ope.ed.gov/security so that parents and students have the benefit of this information when selecting a college or a program of study offered at a branch campus abroad.

A branch campus of a participating institution located in a foreign country must disclose campus crime policies and statistics in a separate report. However, the disclosure of this information is problematic to say the least. Disclosure of crime statistics for study abroad programs is often not required because the administrative arrangements in place to support U.S. college and university study abroad programs are often not considered branch campuses. For example, a consortium of U.S. colleges and universities may administer a study abroad program, by an independent domestic or international study abroad company or provider organization, by a foreign, non-participating institution or by a combination of these types of programs.

The disclosure of study abroad program crime statistics is further complicated by the statutory requirement that institutions compile statistics on crime in accordance with the definitions used in the uniform crime reporting system of the U.S. Department of Justice. Crime may be defined differently under the crime reporting system in place in the country in which a study abroad program or branch campus is located. The Campus Security Act is written to conform to the American criminal justice system, not the wide variety of criminal justice systems in place in foreign nations.

Lastly, once abroad, students often travel to sections of a foreign city or visit other countries that have no connection to their study abroad program. This also causes confusion as to an institution's reporting responsibilities under the Campus Security Act.

Speaking as the past president of a college which enjoyed seeing about one-half of its students study abroad for at least a semester, let me add that I am very impressed with the skill and dedication of college and university professionals whose job it is to arrange for overseas study. The students' safety is a matter of the utmost concern for them. Most institutions counsel students very thoroughly and stay in close touch with students while they are abroad. Furthermore, in each of our centers we had carefully worked out evacuation plans should it become necessary to bring our students home.

There are helpful resources and information available to institutional study abroad program administrators, students, and the parents of students, who are planning to undertake a program of study abroad. Using the resources available through the Departments of Education and State to learn about campus crime statistics, the history, culture, politics, customs and laws of destination countries, existing travel warnings, and what precautions to take while studying abroad can help in keeping the study abroad experience fulfilling and safe for all American students.

Thank you again for the opportunity to address this important issue.

APPENDIX H - WRITTEN TESTIMONY OF DIANNE M. ANDRUCH, MANAGING DIRECTOR, OVERSEAS CITIZENS SERVICES, BUREAU OF CONSULAR AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, D.C.

STATEMENT OF DIANNE M. ANDRUCH
MANAGING DIRECTOR, OVERSEAS CITIZENS SERVICES
BUREAU OF CONSULAR AFFAIRS
BEFORE THE
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
COMMITTEE ON EDUCATION AND THE WORKFORCE
UNITED STATES HOUSE OF REPRESENTATIVES

October 4, 2000

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on behalf of the Assistant Secretary of State for Consular Affairs regarding the safety of study abroad programs. I thank the Committee for having the wisdom to decide to look into this important question.

The Department of State takes very seriously its responsibility to inform U.S. citizens traveling or residing abroad of potential hazards to their safety. The safety and security of our citizens is our top priority. In my testimony today, I will discuss some of our efforts to assess the difficulties confronting American students studying or traveling abroad, and to tailor our Consular Information Program to the real needs of our young people.

On April 19, 2000, a White House Memorandum was issued to all Executive Departments declaring it the policy of the Federal government to support international education, including promoting study abroad by U.S. students. We work closely with the Department of Education, other U.S. Government agencies and State Department offices to increase awareness about travel safety and international education.

Our Consular Information Program has long served as the Department of State's primary means of alerting the public to potential problems they may encounter in different countries. The cornerstone of the program is the Consular Information Sheet, which is prepared for every country in the world. Travel Warnings are issued to recommend that Americans avoid travel to certain countries when circumstances or conditions there present danger to the American traveler. Such situations include, but are not restricted to, civil strife or major natural disasters. Public Announcements are made any time there is a perceived threat or other relatively short-term condition posing significant risk to the security of American travelers. In addition to these key materials, our home page, www.travel.state.gov, also includes pamphlets and other detailed information on a wide variety of topics. Our home page averages more than 250,000 hits a day, or 7.5 million or more hits a month. In addition, our materials are available by fax-on-demand and by mail. Finally, our office phone number may be found on pages 2 and 5 of every passport.

Problems confronting students traveling abroad, for study, work or pleasure, are a matter of particular concern to the Department of State. We have a variety of specialized materials designed for students. In September 2000 we issued a new pamphlet, "Travel Tips for Students" to provide important reminders about safety, copies of which we are making available to the Committee. Our home page includes a feature called "Tips for Students," which contains other useful information. In addition, in February 2000 we issued our annual "Travel Safety Information for Students" in advance of Spring Break. This was accompanied by a letter from Secretary Albright to the editors of college and university newspapers across the country, underscoring the importance the Department attaches to making American students' experience in other countries safe and enjoyable. We also are working on a Public Service Announcement to be run on college radio stations aimed at people who might unwittingly be used to carry drugs abroad.

Our embassies and consulates are also keenly aware of the importance of the safety of American students abroad. U.S. Foreign Service posts are encouraged to engage in annual meetings with study abroad program participants, update embassy home page materials regularly to include issues affecting students and to take other measures to reach out to the American student population abroad.

We also raise student awareness about travel safety through our outreach program, including speakers, media interviews and publications. In the past two years, we have made a concerted effort to reach out to key stakeholders in the field of international education. Our outreach includes public speaking and mailings from our Assistant Secretary to a variety of student-related organizations including NAFSA - Association of International Educators, the Center for Global Education, the American Council for International Education, and Smithsonian Study Tours. As limited resources permit, we are also making outreach visits to cities across the country, during which we explain the Consular Information Program to a wide range of community groups and organizations. For example, during an outreach visit to your home state of Michigan earlier this year, Mr. Chairman, we met with student advisers and students at Wayne State University in Detroit.

The Bureau of Consular Affairs is partnered with the Bureau of Diplomatic Security in the Overseas Security Advisory Council (OSAC) program. That council formed the University Working Group in June of this year. The working group, consisting of representatives from large, medium and small universities and NAFSA - Association of International Educators, will develop safety programs and establish "best practices" guidelines to increase security awareness for students and faculty traveling and studying abroad. The University Working Group will share their results with colleges and universities throughout the country. One of the first to respond to Secretary Albright's invitation to participate was Michigan State University.

Mr. Chairman, the dangers that crime, security threats and terrorism pose for U.S. citizens abroad are of great concern to the Department of State. We have also made an effort to be responsive to the concerns of study abroad programs and individual parents of American students to improve our information and services. I would like to highlight two examples of some innovations the Bureau of Consular Affairs has developed on the subject of crime and road safety.

This June, we established a new program in the Bureau of Consular Affairs, pursuant to an interagency agreement with the Department of Justice, Office for Victims of Crime. Our new program is designed to ensure that U.S. citizen victims of crime abroad and their families receive better services while still in the foreign country, and upon return to the United States. In addition, we are exploring ways to modify our automated case tracking systems to capture better information on the nature and location of crimes being committed against Americans. Since crime can affect any U.S. citizen traveling or residing abroad, this data, when available, will be reflected in the crime segments of our Consular Information Sheets where appropriate.

American students, and other citizens, traveling abroad are also victims of injury and fatality as a result of road and traffic safety conditions abroad. On September 1st, we inaugurated our new road safety home page feature, and we are now expanding the road safety information in our Consular Information Sheets. On May 3, we participated in the Association for Safe International Road Travel's (ASIRT) "Day on the Hill" to focus on the tragic consequences of road safety problems, meeting with parents whose children were seriously injured or killed in road accidents while studying abroad. Moreover, recognizing the importance of this topic, we now include road safety, as well as other security issues, as a focal point in our outreach efforts to stakeholder groups involved in travel, tourism, and study abroad. We initiated this practice during our August 2000 appearance at a conference of the Association of International Educators (NAFSA). Road safety was also addressed in our presentation at the September 2000 national conference of American Society of Travel Agents (ASTA).

Approximately 3.2 million Americans reside abroad and Americans make more than 54 million trips outside the U.S. each year. Most Americans have positive, memorable experiences. While unforeseen events can occur anywhere, we believe that safe, informed travel is best achieved by learning everything possible about conditions in the country you are visiting. We encourage travel agents, foreign study programs, and all tourist and travel-related industries to inform their customers of the U.S. Department of State's Consular Information Program on travel abroad and direct them to our web site, where they can find more information and sources of help.

All U.S. citizen students studying or traveling abroad, and their families should review carefully the Consular Information Sheet, and applicable Travel Warnings and Public Announcements before they make a decision to go to a particular country or region. It is also important to review our general safety and security publications, and to register with the U.S. embassy or consulate. We encourage all travelers to obtain travel insurance, including medical insurance that covers medical evacuation.

In countries for which Travel Warnings or security-related Public Announcements are in place, the consular sections of our embassies and consulates are pleased to brief American students on evolving local conditions. Moreover, our Bureau of Diplomatic Security can work with campus security planners at American universities abroad through the Overseas Security Advisory Council (OSAC) program for security professionals, and where appropriate, also participate in briefings for students.

In an effort to reach the broadest possible audience of Americans studying abroad, the Bureau of Consular Affairs has entered into a partnership with the Department of State's Office of Overseas Schools to ensure that our travel information is brought to the attention of the Overseas Schools Advisory Council. Our travel safety information is also linked to the Department of State's Digital Diplomacy for Students project, which provides a forum on travel abroad and international affairs for grades K-12.

The flagship international education exchange program sponsored by the U.S. Government, widely known as the Fulbright Program, is designed to "increase mutual understanding between the people of the United States and the people of other countries...." From this starting point, the Fulbright Program has provided more than 250,000 participants – chosen for their leadership potential - with the opportunity to observe each other's political, economic and cultural institutions, exchange ideas and engage in special projects.

The Fulbright Program sends some 900 U.S. graduate students and graduated university students overseas annually to do research across a wide spectrum of disciplines. These participants must pass a rigorous competition to be selected for the fellowship awards that lead to placement for an academic year with educational, cultural and government institutions in some 140 countries outside the United States.

While the vast majority of U.S. students sponsored under the Fulbright Program do their research in societies with rates of crime, violence and political instability no greater than that of the United States, some participants do go to countries where there is potential for civil disturbances and/or violence against persons. In the latter context, the Department of State ensures that each Fulbright grantee is fully aware of the security situation in each country in question before the grant is made and the participant leaves the United States. This is to say that any Consular Information Sheets, Public Announcements, Travel Warnings or special reports by the Department of State on the country are provided to the grantee, and a program officer is available to answer any specific questions that the grantee might have. The information is given in a manner commensurate with the Department's "no double standard" policy, i.e., no information is given to Fulbright grantees or U.S. Government employees that is not given to private American citizens when it applies to both.

Once overseas, Fulbright students are under the general care and supervision of the Public Affairs Section of the U.S. embassy, or the Fulbright Commission (in 51 countries) for the duration of their stay in the country. These offices maintain ongoing contact with the students, immediately provide guidance regarding changing security conditions, and facilitate evacuation or early departures of participants when the situation requires it. In emergency situations, the same offices inform families of the students of their status.

In the event of an emergency confronting American students abroad or their families, the Bureau of Consular Affairs is available 24 hours a day, 7 days a week at (202) 647-5225. Our embassies and consulates abroad are also available at any time through our duty officer program. This is the phone number I earlier mentioned that is on pages 2 and 5 of every U.S. passport.

In summary, I believe we are doing a good job, but recognize the ever-increasing need to do an even better job in raising security awareness among students and study abroad programs, and in working with them to prepare our young people for safe, informed travel. If even one U.S. citizen is injured or killed while studying or traveling abroad, that is not acceptable. We cannot always control events, but we must do everything possible to prevent new tragedies from happening. As we encourage America's students to explore foreign cultures, we must also do whatever we can to ensure that they are well-informed and know where to go for help and guidance should an emergency occur.

We believe the Department's efforts to protect Americans traveling abroad have been facilitated by our ongoing dialogue with interested Members of Congress such as yourself, and many others, and look forward to working with you to seek opportunities for improvements in international travel information and services.

Mr. Chairman, this concludes my testimony. Thank you for the opportunity to speak to the Subcommittee today. I will be happy to answer questions that Members may have.

APPENDIX I – SUBMITTED FOR THE RECORD, STATEMENT OF CHARLES EAGEN, OCTOBER 1, 2000

October 1, 2000

Mr. Peter Hoekstra
United States House of Representatives

Dear Mr. Hoekstra:

I am very pleased to hear that hearings will be held for the purpose of assessing the safety of university sponsored study abroad programs. The murder of our daughter, Emily, in Costa Rica has made my family and me very sensitive to issues concerning the safety of American women visiting foreign countries. Initially we were willing to accept that the murders of the two girls represented an isolated and unavoidable incident. However, information released to the public by Costa Rican officials (or should I say misinformation) concerning the details and motive for the murders, information we have obtained on juvenile crime, the judicial system, the laws, and the law enforcement practices of Costa Rica have since convinced us that these murders were not unavoidable. If one considers all violent crimes such as rape, kidnapping, armed robbery as well as murder, then we question just how isolated and uncharacteristic these murders actually were.

One of our biggest concerns is how unwilling the American news media is to report issues concerning safety. Statements we have made concerning murder rates which peak during tourist season, out of control juvenile crime, and Costa Rica's archaic laws concerning juvenile crime have, by and large, ended up in some editor's wastebasket. However, articles which purport to be on safety where travel agents or tourists are quoted on how uncharacteristic they feel these murders were and how safe they felt in Costa Rica abound. Only Ron French of the *Detroit News* and Andrea Todd, a free lance writer who published an article concerning the safety of women travelling abroad in August's issue of *Cosmopolitan*, seemed to be able to see the murders as symptoms of much larger problems.

It amazes me that the *Detroit News's* story of July 6, where it is reported that the girls were kidnapped and that the widely reported story concerning the girls picking up hitchhikers was deliberately planted by Costa Rican officials in order to protect tourism, wasn't reprinted by any other American newspaper. This story wasn't even carried in Lexington, Kentucky, the home of the other murder victim! To my knowledge the excellent articles appearing in the August 27th and 28th issues of the *Detroit News* haven't been reprinted in any other American newspaper. These articles were important enough to motivate a hearing in the United States House of Representatives on the safety of university study abroad programs, but weren't deemed important enough by any other paper in this country to print them in installments on the back page next to the obituaries!

Before proceeding I would like to state that my wife and I are strong proponents of alternative forms of education and study abroad programs. Our oldest daughter, Sarah, spent a semester studying in Florence, Italy under a University of Michigan sponsored program. She had a wonderful experience and did learn to communicate in Italian. I have no doubt that one of the reasons Emily was so adamant about going to Costa Rica was her desire to have an experience akin to the one her older sister had. She had been accepted at the University of Michigan as a non degree student for the winter semester but decided to postpone her studies for the "opportunity of a lifetime". She promised us faithfully that she would use the opportunity to learn Spanish and thus, fulfill her college language requirement. Our concerns about safety were answered, "I will be staying with two young women who are on an Antioch sponsored work study program. You don't think Antioch would send my friends to Costa Rica if they had any concerns about their safety?"

We didn't send our children to college to learn isolated facts, pass multiple choice exams and drink themselves silly. We sent them to learn how to think. We sent them to learn how to question established and stereotypical beliefs: we sent them to learn how to reason. Above all, we sent them to learn how to function in a complex and diverse society. In this age of rapid communication and international corporations it is obvious that the society in which they must function is going to be a global one. Obtaining multilingual skills and knowledge of foreign cultures, values, and customs is becoming an educational necessity. Foreign study programs can help our children obtain these skills. However, it is these very differences in culture, customs and values that the students are trying to learn that can present the greatest threat to their safety. Universities would never think of hiring an instructor for an on campus course who hasn't demonstrated knowledge of the material that is to be taught. However, it appears that some schools will send students to countries with no supervision or under supervisors who are as ignorant of the foreign society as are the students themselves.

Universities have to recognize that they are dealing with people in their late teens and early twenties. These are the years of *invincibility*. For many students the college experience is the first opportunity they have to be out from under strict parental guidance. The fact that many of these students are having trouble dealing with this new found freedom is attested to by the large number of tragedies that have occurred on American campuses the past few years. Most of these tragedies have been drug and alcohol related. Yet, it is these very same students that we are sending out to function in foreign cultures when they have shown that they can't even function in their own!

I am very concerned about Michigan State University President McPherson's stated goal of having 40% of the student population study abroad by the year 2006. I have serious doubts whether 40% of the students at any public institution are mature enough to be able to participate in any meaningful foreign study program. Does MSU have, or can they afford, the infrastructure that is going to be needed to supervise over 16,000 students? My oldest daughter went to Michigan State for two years in the early 1990's. She and her roommate transferred to the University of Michigan. Their reason for leaving had little to do with the quality of instruction but had much to do with the maturity level demonstrated by their fellow students and its impact on the educational environment at MSU.

When Eric Miller, an advisor at Antioch, was questioned by Ron French of the *Detroit News* concerning his and Antioch's responsibilities for insuring the safety of the girls, Miller replied, "Where were the parents?" When Ron French told me of Miller's comment, I went livid. Since, I have come to realize that Mr. Miller has raised some very important issues. Who is responsible for the safety of students when they study abroad? Who is responsible for gathering the information necessary to make an educated decision concerning risk? How does one obtain this information? Does the information obtained accommodate the political and financial interests of both the United States and the host country?

Through most of the last century universities were expected to function as parents in absentia. If my memory serves me correctly, the term employed was *in loco parentis*. Vestiges of this policy still existed in the 60's when my wife and I attended college. Women were locked in their dormitories at night and usually had to tell someone in authority when they left campus in the evening or were going to miss curfew. Although some of these practices were absurd, their existence reflected the fact that universities and society recognized that young women were subject to dangers that men were not. In this day of equal rights it is difficult to discriminate on the basis of sex for any reason, even if the reason is one of safety. Yet, I firmly believe that if Antioch had sent two boys to Costa Rica, they would have returned on schedule. We must face the fact that environments which might be safe for young men may not be safe for young women, especially when the women have lived their whole lives thinking and behaving as equals and are suddenly put in a male dominated culture that is completely foreign to them.

Almost every story I have seen covering safety issues while travelling abroad suggests that one should consult the documents issued by our State Department and in particular that we should check for the existence of travel warnings. However, no article that I have seen discusses why and how these advisories are issued. What do they mean, and what do they reflect? Over the last 7 months we have had many conversations with Ms. Janet Weber, the U.S. Consul General in Costa Rica. Last March while we were driving through the Costa Rican countryside she mentioned that in general U.S. Embassies are reluctant to issue travel warnings as they often strain relations between the United States and the host nation. Considering that Costa Rica is a close ally of the United States, that Costa Rica's major industry is tourism, and that over half of the tourists are American; how much pressure do you think there is on our Embassy regarding the issuance of travel warnings? If Americans suddenly stopped going to Costa Rica, the Costa Rican economy would be decimated. Look on the internet. All that the *Tico Times* and *La Nacion* report on is tourism related and how the murders of the two girls have impacted tourism. Given this background, do you think our Embassy issues travel warnings as a precautionary measure, or do you think their issuance simply reflects a tragedy?

There were no travel warnings last January when we were assessing the safety of Emily going to Costa Rica. Yet, at the same time the residents and businessmen of Puerto Viejo were petitioning the Costa Rican government for increased police protection and for help in removing the drug related criminal element that had settled in the area. They even offered to pay increased taxes! Their pleas were ignored. When a utility worker was murdered the local residents tried to take the law into their own hands. This resulted in the murder of one of the local businessmen and the formation of a group of vigilantes and three unsuccessful attempts on the life of a local who was suspected of the stabbing. Did this result in the issuance of a travel warning for the area? No. Did these acts result in extra police being assigned to the area? No.

In October of 1999 two elderly U.S. citizens were murdered in a remote region of Costa Rica. As of July, no suspects have been apprehended. The motive is listed as an "apparent robbery", the same motive that is given officially for the deaths of the two girls. Were travel warnings issued as a result of these unpublicized murders? If they were, they were removed by January.

The murder of the two girls in early March and the international publicity it generated resulted in the formation of "Tourist Police" under the control of the Costa Rican Minister of Tourism. I am told that after the murders a travel warning was issued by the U.S. Embassy for the region. There are no warnings in existence today. What has changed in the last 7 months? Has the danger been removed? Reports out of Costa Rica indicate that crime is out of control. The head of the OIJ, the Costa Rican equivalent to our FBI, is quoted as saying that they don't have enough detectives to investigate all the reported crime. Could this fact explain why the sixteen year old boy that just stood trial was at liberty in the Cahuita area when he had five investigations pending for combinations of theft, robbery, and aggravated robbery? During a recent religious holiday it is reported that citizens were marching and praying to the Blessed Virgin for an end to the violence plaguing the country.

All that I can see that has changed is the creation of the "Tourist Police". However, are these police being used to remove the criminal element in Costa Rica, or are they simply being used to patrol major tourist attractions? If these police have had any major impact on crime, why is the population marching and praying in July? I will admit that it is probably safer today for tourists to go the Costa Rica, stay in modern hotels funded by foreign investment, and swim at beaches under police patrol than it was 7 months ago. However, does students swimming at guarded beaches sound like a meaningful university foreign study program? What happens when the students leave the guarded tourist areas and venture out into the local society to learn the customs and values of the people? Hopefully the result is better than has befallen the 29 year old American woman who in June left the confines of her guarded modern hotel and ventured out into Jamaican society.

I hate to be a cynic, but I am of the opinion that travel warnings are simply polictical documents put out by our State Department informing Americans of places where they were damned lucky not to have been.

Another problem with information provided by our government is that it is sterile, incomplete, and doesn't point out the consequences the information can have on tourists and students. For instance, the Consular Information Sheet provided for Costa Rica dated July 27, 2000 mentions the murder of the two girls. It does not mention that they were abducted and subjected to an attempted rape before they were executed. I consider this information to be very important. The survival mechanism of the human species is based on our ability to make "informed decisions". This process implies that we have the freedom of **choice** and **accurate information** on which to base our decisions. Kidnapping removes the freedom of choice. Picking up hitchhikers implies that the girls simply made a bad choice. People that are now making their decisions concerning safety based on the published assurances that violent crime in Costa Rica is an isolated event and not characteristic of the population and that the girls made a bad decision which they and their children would never make, are making a choice based on misinformation!

Our Embassy has known since late March that the girls were abducted. We obtained this information from the confession of the 19 year old boy, Urbina Cisneros. However, under Costa Rican law, information obtained by confession can not be used at trial or be released to the press. Our Embassy knew that the stories being released in April and May by the OIJ and the Costa

Rican Minister of Tourism were bogus. What they may not have known was that the OIJ actually had witnesses that could attest to the fact that the girls had not picked up hitchhikers. However, in June, our Embassy monitored the conversation between Ron French of *the Detroit News* and the OIJ where the existence of the witnesses was revealed. At this time they had to realize that the letter sent to them in late April by Mr. Barquero Ramirez, the Attorney General of Limon, was a political document. This is the letter that states that Urbina Cisneros did not have a criminal record when in fact he had just been paroled after only serving 6 months of a sentence for aggravated robbery. This is also the letter that contains the response to a direct question by the U.S. Embassy concerning the existence of witnesses placing the boys near Johnny's Place, "The information that indicates that one of more of the suspects were seen near the Galloper vehicle ... are not certain, since there has been no established testimony of a connection between the young women and the accused before the fact." This letter also lists the criminal charges for which the boys are to be tried. They do not include kidnapping nor do they include attempted rape!

I think it is quite evident that Costa Rica has been playing politics and doing everything they can to minimize the impact of the murders on their tourist industry. Our State Department knows this, but has chosen to do nothing. They haven't even seen fit to modify their Consular Information sheet to reflect the details of the murders. If a country will go to such extremes to exercise damage control in a high profile case, how accurate do you think information concerning crime and tourists might be in general?

The Consular Information sheet tells us that "crime is increasing, and tourists as well as the local populace are frequent victims." However, two sentences later it states, "U.S. citizens are encouraged to use the SAME level of caution that they would exercise in major cities or tourist areas throughout the world." What information has been conveyed? The last quote suggests that it no more dangerous for an American to be in Puerto Viejo than in London, England or Sydney, Australia. The former statement suggest that Costa Rican criminals don't discriminate.

In April, *La Nacion* published the murder statistics for the country covering the last 5 years. In 1999 only 44 people were murdered in Costa Rica. However, 32 of those murders occurred in the first three months of the year, the height of tourist season. This translates to a murder rate of 11 a month when tourists are in the country, and a little over 1 a month when they aren't. This trend has been growing since 1996. There have been more murders in the first three months of this year than in all of 1999. Does this suggest that maybe criminals do discriminate on the basis of country of origin? A gentlemen who now lives in Clarkston, Michigan but spent the first 20 years of his life in Cahuita, Costa Rica contacted me after the murder of my daughter. He claims to know the criminals of the area well. In fact, he claims to have grown up with many of them. He told me that tourists are most definitely singled out. Why rob someone that doesn't have anything? He stated most emphatically that it was unsafe for the three girls to be in that area of the country.

Our Consular Information Sheet says nothing about the problems of juvenile crime in Costa Rica. It was juveniles that murdered the two girls. In late March it was juveniles that locked a taxi cab driver in his trunk and burned him alive. In May it was juveniles that kidnapped two Canadians which were only freed after a gun fight with police. Our Embassy doesn't even mention the kidnapping of the Canadians. Do your think a Costa Rican juvenile can tell the difference between an American and a Canadian? Do your think he even cares?

That juvenile crime is a problem is attested to by the fact that on July 5 the Ombudswoman's Office of Costa Rica held a series of seminars on the subject. Many of the topics discussed are very reminiscent of the debates held here after the tragedy at Columbine High School. The following two paragraphs as taken from the July 7 issue of the *Tico Times* are quite telling:

> According to OIJ statistics, murders through the first half of the year are up 42 percent over 1999. Other violent crimes such as rape and assault are harder to compare from year to year, until the cases go to court. But public opinion polls and media reports continue to portray a society that is increasingly fearful of violent crime.
>
> "Everyone at the office is very concerned about the increase in violence in Costa Rican society," said Ombudswoman Sandra Piszk .. . "A culture of violence is growing in Costa Rica, and increasing repression (the number of police) hasn't produced the result that we're looking for."

Juvenile crime is a problem the world over, and no one seems to have come up with the solution, but how does Costa Rica deal with juvenile criminals? Costa Rica does not support the concept of trial by jury. Only a judge hears the evidence. The maximum sentence for the commission of a crime or series of crimes by a juvenile is 15 years. This sentence is seldom handed out and offenders seldom serve the term to which they are sentenced. The classic case is the one where a man served 8 years of a 25 year sentence for killing two Americans and their grandson. Juveniles can not be tried as adults, no matter how violent and repulsive the crime. Trials of juveniles are closed to the public, to the press, and even to the family of the victims. Believe me, we know. Sentences are reviewed every six months by a judge different from the judge that presided at the original trial. This probably explains why Urbina Cisneros was released by the First Circuit Court of San Jose after serving six months of his sentence. In less than six weeks after his release he murdered my daughter.

In a conversation with Janet Weber of the U.S. Embassy I made the observation that with laws and sentences this lax it would seem to me that Costa Ricans would hire juveniles to commit crimes. She admitted that she know of a few cases where this had happened. When I expressed the same sentiment to the Costa Rican now living in Clarkston he replied. "What do you think we do?"

The Consular Information Sheet states that "law enforcement agencies have limited capabilities and are not up to U.S. standards .." What does this mean? We are told that this means that police in Costa Rica don't receive training in how to fight and deal with crime, but have historically received training in crowd control and how to deal with tourists. I do believe that this practice is changing. We are told that police in rural areas are paid so poorly that their salaries are not adequate to feed, house, and cloth themselves and their families. Could this explain why police not only accept, but in some cases demand, bribes. A local television reporter told me how he paid off a policeman is lieu of a speeding ticket last March and the *Dayton News* tells of how they were solicited for a bribe in exchange for information concerning the death of the two girls. Do you think these policemen are going to risk their lives to rid their community of criminals and drugs when bribes from this criminal element may be feeding their families?

The article in the *Tico Times* admits that murder is only one form of violent crime. What about kidnapping? Information on this is often very hard to come by. Often police will not release this information even after the kidnapping has been resolved. In March the FBI informed us that the reason their Central American field agent could not go to Costa Rica was that he was working on a kidnapping involving an American in El Salvador. We were asked not to reveal this information and until now, we haven't. We never did read about this in the press. How many other kidnappings haven't we read about? A number of articles have appeared about risks to executives of corporations locating in foreign countries. I am under the impression that much of this information is not available to the general public. This information must be made available to universities, students, their families and tourists. Vague statements like, "There have been several kidnappings, including those of foreigners, in recent years" convey absolutely no usable information on assessing risk. Yet, this is the only information the Consular Information Sheet gives us on kidnappings in Costa Rica.

The fact that the subject of rape is mentioned in the *Tico Times* article tells me that it is a problem. The Consular Information Sheet mentions sexual assault cases reported on both coasts and San Jose. It also mentions sexual assaults and rapes perpetrated by taxi cab drivers. Obviously rape was part of the original motive that led to the abduction of the two girls. When we returned from Costa Rica we were told that a woman called claiming that she had been raped in the Cahuita area but had never reported it to the police. This is often the problem with rape, it goes unreported. How many tourists want to return to Costa Rica in order to testify in cases of rape and theft? Criminals know this. This is what makes tourists relatively safe targets.

I feel one can glean some information concerning the risks of sexual assault by examining the role of women in society. Prostitution is legal in Costa Rica for all women over the age of 18. The Minister of Tourism has been quoted in the newspapers expressing his concern over Costa Rica's growing reputation as a "sex resort". The Human Rights Report on Costa Rica for 1999 mentions that women now hold prominent positions in Costa Rican government. It also mentions that domestic violence is major problem in Costa Rica. The *Tico Times* article on the juvenile crime seminars talks about the impact of dysfunctional families on children. How vigorously are crimes of rape prosecuted? What is the average sentence for rape? How long a term is actually served for rape?

In late August I received a telephone call from Ms. Susan Pardo who was in Michigan visiting her brother who lives in Whitmore Lake. Her husband is the Minister of Health in Costa Rica. Although she called to express her condolences, she was very interested in the fact that all six of the major newspapers in Costa Rica had refused to publish a letter we had sent in an attempt to speak directly to the people of Cost Rica concerning the public's right to accurate information in a democratic society. She asked me to send her a copy of the letter, which I did. She called me the evening before she went back to Costa Rica and made what I think is a very telling comment. She stated, "From the tone of your letter it sounds like you consider rape and kidnapping to be crimes almost as serious as murder. I asked my brother whether he felt that all Americans felt that way?"

I apologize for the extreme length of this letter. It has not been my intent to paint Costa Rica as an unsafe country nor has it been my intent to discourage university study abroad programs. It has been my intent to show that the sources of information we rely on for safety information are often void of the detailed information which one needs to make informed decisions concerning safety. I agree fully with those that state that life if full of risk and we can't live our lives in a bubble. However, we shouldn't stick our heads in the sand when comes to assessing concerns of safety. Just because no single document exists covering safety issues doesn't mean they can't be obtained. Consult State Department publications, but remember they are political documents. You have to know how to read them. As Janet Weber told me, "In the diplomatic corps it doesn't really matter what you say in a letter, it's whether you send it single spaced or not that tells the recipient whether you are really upset." Search the internet and if you do run across articles entitled: "Costa Rica: Violence, Poverty and Xenophobia" don't disregard them out of hand because you suspect they were written by someone with an ax to grind. They can be good sources of questions that need accurate answers.

Above all, when you are assuming the responsibility for someone else's life, you can't rely on a third party to do your safety research for you. You must do it yourself. You must have contacts in the country that are familiar with the customs, laws, and values of both the foreign country and the United States. You must have contacts that can advise students on a daily basis. Subscribe to the daily newspapers of the country and read them every day. This is the only way you will find articles such as "The Most Violent Area in the Americas" which appeared in the August 18 issue of the *Tico Times*. Keeping track of what is happening in each area of a country into which you are sending students could be very costly and could easily be a full time job for one person. However, if you had to come home every evening and look at an urn on the dresser containing your daughter's ashes, I think you would agree that it is worth every damned dime!

Sincerely,

Charles Eagen

Charles Eagen

To the Citizens of Costa Rica:

Hello, my name is Charles Eagen. I am the father of Emily Eagen, who was murdered in your country in March of this year. I am writing to you on behalf of myself, my family, and the memory of my daughter. In the months following Emily's death, I have been trying to obtain an understanding of the laws of your country, as well as the judicial practices, and functioning of your press. After reading reports of the crime and investigation printed in your press, I am quite concerned that the people of Costa Rica have not been given access to the whole truth in regards to the death of both women. Although I am pleased that the juvenile defendant was given the maximum sentence allowed by your laws, I am concerned that your laws and judicial practices don't function as a deterrent to juvenile crime. In fact, I would argue that they foster its growth.

Before continuing, I would like to stress that this letter is not being written out of spite. In fact, my family and I are very appreciative for the kindness many of you showed us when we visited Costa Rica in March. The flowers, posters and kind words some of the people of Cahuita delivered to us at the murder site impressed us deeply. We would like to thank those of you who approached us and shared a part of yourselves with us. It is because you made such a favorable impression on us that this letter is being written. We think you care.

The Ruse of Hitchhiking

As you know, your press has reported, and continues to report, that either the girls picked up hitchhikers, or in some sense the girls invited the three boys into their car. This is also the story that has been carried in the U.S. press until very recently. Simply put, it is not true. The girls were abducted at gun point outside of the bar. Is it important to know that the girls were abducted? Yes. However, it is far more important to understand how and why this myth continually appears in the press.

Let me begin by examining the article written over a month after the girls were murdered which appears in the April 18th English edition of *La Nacion*. This article appears to be a press release by the OIJ giving some of the results of their investigation. The article begins, "Hitchhiking was the ruse used by three young men for a robbery ... according to OIJ sources." The story continues with the very conspicuous and suspect statement: "Then they took the clothes off one of the bodies, in order to mislead police." The article concludes, "... the police are satisfied with the outcome of the investigation, according to official sources."

You can imagine how we felt reading this story after having been given information obtained from the confession of one of the boys, Jorge Urbina Cisneros, which refutes the story that the girls picked up hitchhikers. Did this story mean that the OIJ didn't believe the confessional information? Why hadn't they told us about the evidence that led them to believe the girls gave the boys a ride?

In early May Ron French, a reporter from the *Detroit News*, visited your country in order to research a story. He was granted an interview on May 4 with the OIJ to discuss the evidence gathered. Although Mr. French thought he was going to meet with OIJ Deputy Director Jorge Rojas, your Minister of Tourism Mr. Walter Niehaus and OIJ press spokesman Mr. Francisco Ruiz showed up for the interview. In this meeting Mr. French was told a long story of how the girls were driving south toward their residence when they picked up three boys and were forced to turn around and drive north. "If they hadn't picked up the boys ... you just don't do that", Mr. Ruiz said. "They were just good girls wanting to do a good thing, and they lost their lives."

In preparation for the story printed on July 6 in the Detroit News entitled **"Costa Rica hid slaying facts"**, Ron French called OIJ officials to elicit their responses. Confronted with the charges of deliberately giving misinformation to the press, OIJ officials admitted that they not only have witnesses putting the boys in the parking lot of the bar that night, but they have witnesses who saw one of the boys giving one of the girls an unwanted rough embrace and forcing her into the car.

On July 7 the *Ann Arbor News* published an article after interviewing OIJ spokesman Martin Matamoros. In this article Mr. Matamoros says that he is sure that Mr. Rojas released the abduction information because it quickly became "very clear" the women had not picked up hitchhikers. After searching the internet, the Ann Arbor News reported that they can find no newspaper, American or Costa Rican, with a publication date prior to July 6 that reports that the girls were abducted. If the abduction information is so well known in Costa Rica, why did both *La Nacion* and the *Tico Times* contain statements to the effect that "police suspect that the victims offered the young boys a ride" when they reported the verdict of the trial held in July?

A Common Assault or Attempted Rape

The OIJ stated very early in the investigation that it had ruled out rape as a possible motive. In fact, in the March 31st edition of *The Tico Times* OIJ Deputy Director Jorge Rojas went so far as to say "the motive still isn't perfectly clear, but it is shaping up to be little more than a common assault." However, it is no secret to the world that one of the women was found naked with a bruise across her face. The OIJ would have us believe that the boys took her clothes off after she was murdered in order to mislead police. How does taking the clothes off of one of the bodies mislead police? Why would the boys want to mislead the police into thinking that rape had been committed, when in actuality the boys had been unsuccessful in attempting to rape the women? Why would the boys take the time to walk across the road and put the clothes in the ditch opposite to where the women were found?

The OIJ revealed to the *Detroit News* that they have evidence indicating that the woman was shot through the shoulder while sitting in the driver's seat of the car. Apparently the wound she received was not fatal, but it did cause blood to accumulate in the front seat of the car. This is the blood that alerted the tow truck drivers later on that evening. If she had been wearing her clothes when she was shot, then how is it that her shorts, which were recovered at the scene of the crime, don't have any blood on them?

Right To Accurate Information

Obtaining information on the investigation and obtaining straight answers to our questions has not been an easy process. We assumed that the OIJ would keep us appraised on the progress of the investigation. This has not happened. We, just like you, have had to rely on stories printed in your newspapers.

In early April, out of desperation, we sent a list of questions to the U.S. Embassy concerning the crime and asked them to present them to the OIJ. We asked for the criminal records of the suspects, whether the OIJ had any witnesses who saw the boys near the car that night, and we asked for a list of the girls personal possessions recovered at the scene of the crime.

On April 24 Mr. Edgar Barquero Ramirez, the Attorney General of Limon, answered these questions in a letter addressed to the U.S. Embassy. His list of items recovered was even shorter than the one we received in March when we were in Costa Rica. Items we were told about in March were omitted from the list. The list didn't even include the one woman's shorts. Regarding the criminal records Mr. Ramirez states that the juvenile who just stood trial has 5 pending investigations for robbery and aggravated robbery. He states that after consulting your Judicial Registry of Criminals that Urbina Cisneros does not appear to have a criminal record. This information is clearly false, because on March 31st *The Tico Times* reported that Cisneros was released on probation from San Sebastian Prison on January 17th, where he had been serving a sentence for aggravated robbery.

What concerns me most is Mr. Ramirez's reply to the question concerning the existence of witnesses placing the boys in the parking lot around the car the night the girls were murdered. Mr. Ramirez states, "The information that indicates that one or more of the suspects were seen near the Galloper vehicle ... are not certain, since there has been no established testimony of a connection between the young women and the accused before the fact." What does this mean? We now know that the OIJ has had witness to an abduction since late March. It appears to me that Mr. Ramirez carefully constructed a reply which contained no

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useful information other than the fact that he was refusing to answer our question.

The OIJ hasn't told you or us the truth. The District Attorney of Limon has given us misinformation and evasive answers. The formal charges against the boys do not include abduction and/or kidnapping nor do they include attempted rape. Under your laws the recent trial of the juvenile was not only closed to the public and press, but was closed to the families of the victims. Thus, no information came out from this trial. The third Nicaraguan boy who hasn't been apprehended is also a juvenile. Would we ever have found out the truth if Jorge Urbina Cisneros was a year or two younger? This thought frightens me. I hope it frightens you too.

Integrity and Tourism

The *Detroit News* reports Mr. Rojas as saying that the OIJ didn't feel it was important to dispel the hitchhiking story. "There is no change in the crime or possible punishment in the way the thing started." Surely Mr. Rojas isn't suggesting that kidnapping isn't a crime in Costa Rica?

I would argue with Mr. Rojas that the most important thing the OIJ could have done was to publicly dispel the hitchhiking theory. By failing to do so the OIJ has shifted some of the responsibility for the crime to the victims by indicating that they had a choice in the matter, when in fact they had no choice at all. Although OIJ Deputy Director Jorge Rojas publicly denied that the tourism ministry influenced the murder investigation or the OIJ's statements to the media, the OIJ has made repeated efforts to suggest that the murders of the women were an isolated incident. OIJ media spokesman Francesco Ruiz stated "we were saddened by this incident, but we rely on tourism a great deal. The public needs to know these incidents are isolated." In addition, Minister of Tourism Walter Niehaus also stated that the police "need to be tourist agents." These types of statements have led us to conclude that protecting the billion dollar tourist industry in Costa Rica is a high priority amongst government officials.

Protecting the tourist industry is understandable, but to what extent, and at what cost? By failing to dispel the hitchhiking theory, or address the sexual nature of the crimes that were committed the OIJ has opened itself to criticism based on personal motive. The most important thing we have to protect as countries and as individuals is our integrity. Once it is compromised, all is lost. Although the OIJ has recently agreed to set up conferences with us in order to answer our questions, we have declined the offer for obvious reasons. By neglecting to address the truth and the facts of this case, the OIJ has shifted the emphasis away from the crimes and the suspects and put the integrity of Costa Rican officials on trial in the court of world opinion. Now American citizens must wonder whether information put out by your Ministry of Tourism concerning the safety of travel in Costa Rica is accurate or whether it is just another "hitchhiking ruse."

APPENDIX J – SUBMITTED FOR THE RECORD, STATEMENT OF THE INSTITUTE FOR SHIPBOARD EDUCATION, OCTOBER 5, 2000

106th Congressional Congress
Committee on Education and Workforce
Subcommittee on Oversight and Investigations
The Institute for Shipboard Education
Response to the Subcommittee Hearing on Safety and Study Abroad
October 5, 2000

Introduction:

The Institute for Shipboard Education (ISE) is a private, not-for-profit 501(c)(3) organization, which sponsors the *Semester at Sea* study abroad program, and has been in operation for 25 years. It is the successor to two prior shipboard education programs, *World Campus Afloat* and *University of the Seven Seas*, which in turn date back to 1963. Altogether, there are currently more than 37,000 alumni of shipboard education.

The Institute for Shipboard Education has an excellent safety record throughout its long existence. The safety of *Semester at Sea* participants has always been the Institute's top priority. Unfortunately, in March 1996 four of our students and one adult participant lost their lives in a tragic bus accident in India. This was the only incident of this nature in the program's history. The Institute's board and staff were deeply saddened by the accident, as were the many constituents of *Semester at Sea*, as attested by the outpouring of condolence and support.

The Institute has consistently adopted policies that promote the safety of *Semester at Sea* participants. The importance which ISE has always attached to safety concerns is borne out by its role in developing safety protocols in connection with study abroad, many of which have been adopted by other study abroad organizations. ISE participates in the Inter-Organizational Task Force on Safety and Study Abroad, which recently formulated industry-wide guidelines regarding safety and study abroad. We have ~~lead~~ LED training workshops for study abroad professionals throughout the country. The Institute hires reputable and experienced tour operators and service providers in each country on the voyage itinerary. And safety in ports of call is a major component of student preparation and education on board every *Semester at Sea* voyage.

However, no policy can provide an absolute guarantee that accidents will not occur, and unfortunately, despite these efforts, a tragic one did take place in India in 1996. While we at the Institute recognize and share the tremendous sorrow experienced by the families who lost loved ones, we also firmly believe that the Institute was both prudent in its field program arrangements in India, and appropriate in its actions in response to the accident. The Institute was at all times in full compliance with U.S. State Department guidelines relevant to travel and study abroad. ISE hired a tour operator with many years' experience of tourism and student travel in India, one with whom the Institute had in fact worked for many years, and who in turn contracted reputable service providers within the country. Indeed, two of the service people he hired were subsequently utilized by the United States Government to support President Bill Clinton's trips to New Delhi and Agra when he visited India in March 2000.

In addition, the Institute employs staff with experience in travel and study abroad. It regularly obtains advice from a variety of expert sources, including the U.S. State Department and Pinkerton Global Intelligence Services. Other routine procedures which were in place prior to the occurrence of the accident include:

- The Institute regularly consults with the U.S. State Department, and provides copies of its participant list and planned activities to each U.S. embassy or consulate within the host country prior to arrival in port. Warnings about road travel in India were not included in State Department Consular Information Sheets until **after** the March 1996 bus accident. Had such a warning been included in our State Department Consular Information Sheets for India, ISE would never have included bus travel on the road where the accident took place on one of its field excursions. When information concerning a safety issue in a particular country comes to our attention, we routinely telephone directly to the embassy in that country to discuss the matter with a consular officer or regional security officer.

- The Institute provides a comprehensive orientation prior to arrival in every port of call. Specific logistical, safety, crime, and health information is provided to all students during mandatory meetings. Our information comes from the U.S. State Department, faculty and others with direct experience and expertise in the host country. It is our experience that the U.S. State Department is the most objective and reliable source for this purpose.

- The Institute carefully reviews a variety of travel subscriptions that routinely provide information on travel abroad. We utilize these travel subscriptions and the services of Pinkerton Global Intelligence Services to augment information provided by the State Department.

- The Institute employs faculty for *Semester at Sea* with resident experience in the countries on our itinerary, and who articulate their knowledge and experience to students via mandatory presentations on the ship.

- The Institute hires reputable and experienced tour operators in each country on a *Semester at Sea* itinerary. Tour operators are chosen based on their understanding of our program, their reliability in providing the required services, and their travel industry reputation. In the case of India, the tour operator ISE selected had worked with the Institute previously for many years. In 1996, he formed his own company in Connecticut, and contracted with one of the largest tour operators and bus companies in India to provide services to our participants. Both the tour operator and the bus company are experienced and well known and serve a variety of tour programs from around the world.

- All *Semester at Sea* students are provided with a *Voyager's Handbook* before sailing, which contains extensive information about the program, including information on health, safety, and standards of conduct and behavior in port.

- **_Semester at Sea_ employs interport lecturers and students from each host country on its itinerary. These individuals sail on the ship to their home country from prior ports of call, and become resident advisors to students on a wide range of topics, including safety matters, prior to arrival.**

- **The Institute has produced the only video in existence on _Safety and Study Abroad_. This video is shown to all _Semester at Sea_ participants prior to their first port of call. The video has been requested by over 200 other colleges, universities, and study abroad programs for use in conjunction with their own programs.**

Because the accident that occurred in India has resulted in litigation, ISE is unable to comment fully on details relating to the accident. However, much of what has been stated in the press and at the congressional hearing on this subject has been inaccurately and/or narrowly portrayed. There is a distinct difference of opinion regarding the decision to use the road on which the accident occurred. This road from Delhi to Agra is the main road used to reach the Taj Mahal and is utilized daily by thousands of motor coach tourists traveling both during the day and in the evening.

The Institute for Shipboard Education Response:

The Institute for Shipboard Education has tried to understand and respond to the needs and requests of grieving parents regarding information about the accident. We have made every attempt to meet their needs by consistently responding to every request for information they have made. We spent extensive time with them on the telephone answering their questions, offered to meet with them at any time and in any place at our own expense, and we forwarded directly to the parents and/or their attorneys all of the information that we received relevant to the accident.

ISE disputes the analysis of the president of Cox and Kings tour operator regarding the decision to use the road in question, as well as his comments on the change in air arrangements, which resulted in the field trip being made by motor coach. It should be noted that Cox and Kings attempted to solicit the Institute for its own business account in India on several occasions, and seemed frustrated by ISE's decision for a number of reasons not to select Cox and Kings as its tour operator in India.

As stated above, the Institute does its best to research countries through reliable and thorough sources. Ultimately we must rely on local organizations and transportation providers to use good judgment in their selection of modes and routes of transportation. The service providers that we used in India have been in business for many years and have good reputations in the travel industry.

Mr. Amato referred to the State Department warning on driving in India. To reiterate our earlier point, this State Department warning came **after** the tragic accident in India in March 1996. Again, had such a State Department warning been in place prior to our arrival in India, we would not have made the decision to change travel plans to arrangements that included going to the Taj Mahal by road.

Mr. Amato also asserts that the Institute allowed the parents of the deceased students to be billed $3,000 for the return of their daughters' bodies. Actually, the Institute did everything it could to prevent this from occurring. The Institute specifically asked the State Department to bill ISE for the full cost of repatriation. We also wished to assume responsibility for the return of the victims' personal belongings. In both instances the State Department took control of the matter and contacted the parents directly, against ISE's wishes, for repatriation costs. We regret that events unfolded this way, and thought it terrible that such a demand was made of the parents. Upon learning of this unfortunate situation, ISE immediately reimbursed the parents for the full amount of repatriation costs.

In conclusion, the Institute has a consistent record of researching and monitoring travel conditions in all of the countries on the *Semester at Sea* itinerary. Whenever we become aware of concerns for student safety we follow up on such information using a variety of reliable sources, most notably the U.S. consulates and embassies in the countries on our itinerary. Members of the professional staff at the Institute have personal travel experience on the road between Delhi and Agra, both during the day and in the evening. Our staff experiences on the road were totally different than the circumstances described in the writing of Anthony Weller. The road is used by many tour companies for day trips, which return at night to hotels in Delhi.

The Institute has voluminous discovery material concerning the March 1996 accident. This information fully supports the exemplary safety record that the Institute has maintained and continues to maintain. Should any member of the Subcommittee wish further information concerning this incident, ISE would be pleased to release such material.

Submitted by: **The Institute for Shipboard Education**
Date: **October 16, 2000**